

66548 U.S. PTO



01/31/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

66548 U.S. PTO
90007403



01/31/05

In re the patent of:)
)
 Arthur R. HAIR)
)
 U.S. Patent No. 5,675,734)
)
 Issued: October 7, 1997)
)
 Application No. 08/607,648)
)
 Filed: February 27, 1996)
)
 For: SYSTEM FOR TRANSMITTING DESIRED)
 DIGITAL VIDEO OR AUDIO SIGNALS)

Docket No. NAPSP002

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 577446433 US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert S. Penilla

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. 5,675,734, which issued October 7, 1997 ("the '734 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
9044 Melrose Ave.
Los Angeles, CA 90069.

02/09/2005 HTWITTY 00000006 90007403

3. A check in the amount of \$4,020.00 to cover the *ex parte* reexamination fee (\$2,520.00) and the excess claim fees (\$1,500.00 for 4 extra independent claims (\$300.00) and 14 claims in excess of 20 claim (\$700.00)) is enclosed. 37 CFR 1.20(c)(1).

Atty. Docket No. NAPSP002

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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. NAPSP002).

5. A copy of the '734 patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).

6. Reexamination of claims 1-34 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).

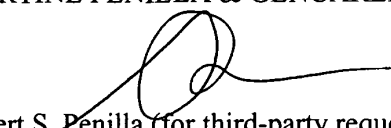
10. Correspondence Address: Direct all communication about the reexamination to:

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)
Reg. No. 39,487

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re <i>Ex Parte</i> Reexamination of:	Examiner: Nguyen, Hoa T. (Prior Examiner)
Arthur R. Hair	Group Art Unit: 2513 (Prior Examination)
U.S. Patent No. 5,675,734	REQUEST FOR <i>Ex Parte</i> REEXAMINATION UNDER 37 CFR § 1.510
Issued: Oct. 7, 1997	Date: January 31, 2005
For: SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS	

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 – 34 of the Hair '734 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, Schwartz, Hellman, Ferrarini, Rosch, Elmer-Dewitt,
Jared, Kramer, Waters, and/or Jordan..... 8

 B. GREMILLET (U.S. Pat. No. 4,499,568): Claims 1 – 34 of the Hair '734
Patent Are Anticipated Under 35 U.S.C. § 102 by Gremillet in view of
Gallagher Freeny, Akashi, Schwartz, Hellman, Ferrarini, Rosch, Elmer-
Dewitt, Jared, Kramer, Waters, and/or Jordan..... 32

**REQUEST FOR REEXAMINATION
OF U.S. PATENT NO. 5,675,734**

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I. INTRODUCTION

This Request for *Ex Parte* Reexamination of U.S. Patent No. 5,675,734 (the '734 patent") raises substantial new questions of patentability with respect to the '734 patent based on prior art not cited or considered during the prosecution of the '734 patent and based on double patenting in view of U.S. Patent Nos. 5,966,440 (the "'440 patent") and 5,191,573 (the "'573 patent"), all to Arthur R. Hair (collectively, the "Hair Patents").

A. Anticipation and Obviousness

The '734 patent is directed to a method and system for transferring desired digital audio and video signals through telecommunications lines from a first memory of a first party to a second memory of a second party. During the prosecution of the '734 patent, the Gallagher and Gremillet prior art references were neither disclosed nor considered by the Examiner. Gallagher, like the Hair Patents, also teaches a method, system and apparatus for selling and transferring through telecommunications lines, recorded digital audio and video data between a source unit, 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.

Gallagher and Gremillet each individually anticipate all of the claims of the '440 patent. Additionally, Gallagher and Gremillet in combination with other prior art references render all claims of the '734 patent obvious.

Accordingly, this Request for Reexamination of the '734 patent should be granted

because Gallagher and Gremillet alone and in combination with other prior art references raise a substantial new question of patentability.

B. Double Patenting

- The '734 patent is also invalid under the doctrine of obviousness-type double patenting. The '734 patent claims the same innovation as set forth in the '573 patent. The only limitations that do not represent a mere change in wording that the patentee added in the '734 patent are: (1) control unit; (2) speakers; (3) video display; (4) electronic coding or, encryption, of the signal; (5) hard disk; (6) control panel; (7) integrated circuit; and (8) sales, incoming or playback RAM chip. As Requestor will demonstrate in the detailed analysis in Section VIII of this Request, none of these limitations is patentably distinct and all of them would have been obvious to the person of ordinary skill in the art, in 1988.

The addition of "control unit" and "control panel" is not patentably distinct. It would have been obvious to one skilled in the art in light of claims 1 and 4 of the '573 patent to have the second memory included in some type of collection of hardware and software called a "control unit" and to have the digital signals on the second memory to be played through speakers connected to the second memory. In addition, the limitation of having the second memory included in some type of collection of hardware and software called a "control unit" was obvious in view of at least Gallagher, Akashi, Freeny, Schwartz. A control unit for the first party too would be understood to one of skill in the art. The "first party control unit" was obvious in view of the "first memory with a transmitter in control and possession of the first party," of Claim 1 of the '573 Patent. In order to exercise the "control" disclosed some means for control would have to exist. Viewed together a "control unit" was disclosed.

It would have been obvious to have a “control panel” on the user’s unit. Hair's claimed invention as described in the original '573 specification was an "advanced stereo system." '573 Prosecution History, Original Patent Application Filing at p.6. It is well known, was well known in 1988, that a stereo system must have a control panel in order to accept user commands (for example to “play” music).

The addition of “speakers” is not patentably distinct. The limitation of having the digital signals on the second memory played through speakers connected to the second memory was obvious to a person skilled in the art in 1988. Namely, it was obvious that a customer would want to play the purchased music through speakers. Moreover, the addition of this limitation is obvious in view of at least Gallagher, Schwartz and Gremillet. Finally, Hair's claimed invention as described in the original '573 specification was an "advanced stereo system" capable of playing digital audio. '573 Prosecution History, Original Patent Application Filing at p.6. Such a unit would obviously be connected to speakers as this was customary for stereo systems and without speakers such a stereo system would be unable to produce sound.

The addition of “video display” is not patentably distinct. A video display was obviously required to playback the digital video data disclosed in the claims of the '573. As Hair in prosecution claimed an “advanced stereo system” a person of skill in the art would know that the analogous video system would be a machine akin to a videocassette recorder, which would naturally be connected to a TV monitor, or something similar. Moreover, digital video was well known in the late 1980s. Gallagher and Rosch each illustrate the obviousness of a video display in the context of digital video in that time period.

The addition of “coding” the signal to prevent unauthorized reproduction, or “encryption,” is not patentably distinct. One skilled in the art would have known in light of claims 3 and 6 of the '573 patent to code or encrypt the signals in a way to prevent unauthorized reproduction. Encryption was widely known and practiced in 1988. Specifically, the limitation of electronically coding the desired digital video or audio signals was obvious in view of at least

Freeny, Gallagher, Waters and a *PC Weekly* 1987 article. That article stated: "Several software firms are including encryption as an option for their spreadsheet or database users. Other developers sell encryption hardware and software to tighten the lid on computer security."

The addition of "hard disk" is not patentably distinct. Usage of hard disc was known in the art well before 1988. Hair himself argued during the prosecution that "[t]he use of transferring money across telecommunications 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 Prosecution History 6/25/92 Hair Decl.

The addition of "integrated circuit" is not patentably distinct. A second party control integrated circuit was inherent in the '573 teaching of electronic sales. During the prosecution, Hair argued that "the 'second party' must have a 'receiver' (the control IC of the user in figure 1) in his 'possession' in order to receive the music electronically from the hard disk of the agent over the telecommunications lines, such as telephone lines.") '734 Prosecution History, 1/3/94 Hair Decl., p. 3-4 (emphasis added). The limitation of a second party integrated circuit and a control panel connected to the integrated circuit was further obvious in view of at least Gallagher, Freeny, Akashi, Schwartz and Gremillet.

The addition of RAM chip is not patentably distinct. The limitation of the incoming random access memory chip to buffer incoming data before storage to a hard disk and a playback random access memory chip to buffer digital signals prior to playback was obvious to a person skilled in art. It was also obvious in view of at least Gallagher, Freeny, Akashi, Schwartz and Ferrarini. Moreover, the functions attributed by Hair to the seller's "sales random access memory chip" were well known within the field of digital telecommunications.

Accordingly, the '440 claims the same invention as the '573 patent, and adds only minor and obvious limitations, all of the claims of the '440 patent are invalid for obviousness-type of double patenting. Because the Examiner had not rejected the claims on the basis of double

patenting during the prosecution of the '440 patent, Requestor's analysis presents substantial new questions of patentability.

II. RELATED AND CO-FILED REQUESTS FOR REEXAMINATION

In addition to this Request for reexamination of the '734 patent, separate Requests for reexamination of the '573 and '440 patents have also been concurrently filed. As stated, 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 '734 PATENT

The '734 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 '734 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 '440 patent.

The '573 and '440 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 34.

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.)
"Schwartz"	U.S. Pat. No. 4,636,876, "Audio Digital Recording and Playback System," filed April 19, 1983, issued January 13, 1987.
"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.
"Jared"	"The Copy Protection Wars," <i>PC Magazine</i> , January 14, 1986.
"Kramer"	"Network Applications Are Adding Encryption," <i>PC Week</i> , March 3, 1987.
"Waters"	"Prospects for Standardization in Cable Audio," <i>Technical Papers-NCTA Annual Convention</i> , 1984.

“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 34 of the '734 patent.

VI. STATEMENT POINTING OUT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

This Request for *Ex Parte* Reexamination of the '734 patent raises the following substantial new questions of patentability:

1. Whether claims 1 – 34 are anticipated under 35 U.S.C. § 102 by **Gallagher**;
2. Whether claims 1 – 34 are anticipated under 35 U.S.C. § 102 by **Gremillet**;
3. Whether claims 1 – 34 are rendered obvious under 35 U.S.C. § 103 by **Gallagher** in view of **Gremillet, Freeny, Akashi, Schwartz, Hellman, Ferrarini, Rosch, Elmer-Dewitt, Jared, Kramer, Waters, and/or Jordan**;
4. Whether claims 1 – 34 are rendered obvious under 35 U.S.C. § 103 by **Gremillet** in view of **Gallagher Freeny, Akashi, Schwartz, Hellman, Ferrarini, Rosch, Elmer-Dewitt, Jared, Kramer, Waters, and/or Jordan**;
5. Whether claims 1 – 34 are unpatentable for double patenting in view of U.S. Patent No. 5,191,573, also issued to Arthur R. Hair.

VII. DESCRIPTION OF THE RELEVANT PRIOR ART

In the following claim charts, the left hand column lists the claims of the '734 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 '734 patent obvious under 35 U.S.C. § 103, as specifically described below.

A. GALLAGHER (GB 2 178 275 A): Claims 1 – 34 of the Hair '734 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, Schwartz, Hellman, Ferrarini, Rosch, Elmer-Dewitt, Jared, Kramer, Waters, and/or Jordan.

Gallagher (GB 2 178 275 A) was not cited or considered by the Examiner during the prosecution of the Hair '734 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 patent. Accordingly, Gallagher is prior art to the Hair patent.

Gallagher 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. See 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. See Gallagher at 1. In addition Gallagher also teaches encryption and decryption of the digital audio or video signals for the prevention of unlawful copying and piracy. See Gallagher at 1. Moreover, 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. See Gallagher at 1.

Accordingly, the Gallagher reference raises substantial new questions of

patentability of the Hair 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 transferring desired digital video or digital audio signals comprising the steps of:</p>	<p>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 visual" data. <u>See</u> Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3.</p>
<p>forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;</p>	<p>Gallagher discloses forming a connection through telecommunication lines. Gallagher at 1:28-31 ("The 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.").</p> <p>Gallagher discloses a first memory of a first party at a first party location. Gallagher at 1:13-16 (The first memory of a first party is a "database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data . . .") Gallagher at 1:67-69 (First party can be the "source unit" which can also contain the first memory, and it "comprises a storage medium 11."). Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 1 & 2 (first memory has desired digital video or digital audio signals).</p> <p>Gallagher also discloses a second memory of a second party at a second party location. Gallagher at 1:21-22 ("means for storing/recalling and/or processing data received from the database").</p> <p>Gallagher discloses that the first party and second party are at remote locations. Gallagher discloses sale is to the general public. Gallagher at 1:49-50 ("sale to the general public via their user units."). Gallagher also discloses that general public is at home and therefore at a remote location. Gallagher at 2:92-93 ("<i>home-buying of material</i>" and "immediate access to material.").</p> <p>Gallagher discloses a hard disk for both memories. Gallagher at 1:32-35 ("The media for storage of data would be floppy disk, <i>hard disk</i>, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.").</p> <p>The first party hard disk has a plurality of digital video or digital audio signals. <u>See</u> Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 1 & 2.</p> <p>The digital video and audio signals are coded. Gallagher at 1:36-38 ("The system may incorporate anti-piracy methods such as the encryption or encoding of data either generally or uniquely."). Gallagher at 1:50-54 ("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."). Gallagher at 1:70, Fig. 1 (the source unit has an</p>

	<p>“encoder/decoder 13”). Gallagher at 1:83, Fig. 2 (the database has an “encoder/decoder 22”). Gallagher at 1:90, Fig. 3 (the user unit has a “decoder 33”).</p> <p>Gallagher discloses a sales random access memory chip that temporarily stores the purchased coded digital video or audio signal. Gallagher at 1:81-84 (“The database, Figure 2, comprises a parallel transmitter/receiver 20, a serial/parallel and parallel/serial converter 21, an encoder/decoder 22 and a <i>buffer store 23</i>.”) A person skilled in the art would realize that a “buffer store 23” can be a sales random access memory chip. Moreover, Gallagher discloses a “main computer” which inherently has a random access memory chip which a person of ordinary skill at the time would realize could be used as a sales random access memory chip.</p> <p>The transfer is via telecommunications lines to the second memory.</p>
<p>telephoning the first party controlling use of the first memory by the second part;</p>	<p>Gallagher at 1:28-31 (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.”).</p>
<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;</p>	<p>Gallagher at 1:49-50 (Gallagher discloses “sale to the general public via their user units.”). Gallagher at 2:92-93 (“<i>home-buying</i> of material” and “immediate access to material.”).</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. 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”).</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 System</i>” 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 system network</i>.”). 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”</p>

	<p>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><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><u>See above</u> this Claim, Gallagher disclosure re “desired digital video or digital audio signals” and re “first memory.”</p>
<p>electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;</p>	<p>The digital video and audio signals are coded. Gallagher at 1:36-38 (“The system may incorporate anti-piracy methods such as the encryption or encoding of data either generally or uniquely.”). Gallagher at 1:50-54 (“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.”). Gallagher at 1:70, Fig. 1 (the source unit has an “encoder/decoder 13”). Gallagher at 1:83, Fig. 2 (the database has an “encoder/decoder 22”). Gallagher at 1:90, Fig. 3 (the user unit has a “decoder 33”).</p>
<p>storing a replica of the coded desired</p>	<p>Gallagher discloses a sales random access memory chip that temporarily</p>

<p>digital video or digital audio signals from the hard disk into the sales random access memory chip;</p>	<p>stores the purchased coded digital video or audio signal. Gallagher at 1:81-84 ("The database, Figure 2, comprises a parallel transmitter/receiver 20, a serial/parallel and parallel/serial converter 21, an encoder/decoder 22 and a <i>buffer store 23</i>.") A person skilled in the art would realize that a "buffer store 23" can be a sales random access memory chip. Moreover, Gallagher discloses a "main computer" which inherently has a random access memory chip which a person of ordinary skill at the time would realize could be used as a sales random access memory chip.</p>
<p>transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunication lines while the second memory is in possession and control of the second party; and</p>	<p>Gallagher discloses transfer of the coded digital signal from the sales random access memory chip to the second memory.</p> <p>Gallagher discloses transferring digital video or audio signals from the database to the user unit through telecommunication lines. Gallagher at 1:28-31, Figs. 1, 2, & 3 ("The media for data transfer is preferably high speed <i>telephone links</i> by way of modems. However, normal telephone links, fibre optic links, electro-magnetic waves or any other suitable medium may be used.").</p> <p>Gallagher at 1:19-22 ("user unit having means for communication with said <i>database</i> including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data</i> received from the database").</p> <p>Gallagher at 1:49-50 (The <i>general public</i> has the user units and therefore is in possession and control of the second memory.).</p>
<p>storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.</p>	<p>Gallagher at 1:19-22 ("user unit having means for communication with said database including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data received from the database</i>").</p>
<p>2. A method as described in claim 1 wherein there is a second party integrated circuit which controls and executes commands of the second party, and a second party control panel connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk.</p>	<p>Gallagher discloses a second party integrated circuit for controlling and executing commands of the second party. Gallagher at 1:19-22 ("at least one user unit having means for communication with said database including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data</i> received from the database.").</p> <p>Gallagher at 1:102-104 ("The user . . . can log on to the data base and make her/his selection according to a supplied menu.").</p> <p>Gallagher discloses a hard disk for both memories. Gallagher at 1:32-35 ("The media for storage of data would be floppy disk, <i>hard disk</i>, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.").</p> <p>Accordingly, a person of ordinary skill at the time would understand that a "means for communication with said database including a transmitter/receiver interface" and a "means for "processing data" would include a second party integrated circuit for controlling and executing commands and a second party control panel connected to the second party integrated circuit, where before the forming step, a step is taken to command the second party integrated circuit using the second party control panel to initiate the purchase of the desired digital video or audio</p>

	signal that reside on the first party hard disk.
<p>3. A method as described in claim 2 wherein the second memory includes an incoming random access memory chip which temporarily stores the coded desired digital video or digital audio signals from the sales random access memory chip, a second party hard disk for storing the coded desired digital video or audio digital signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the first party hard disk for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.</p>	<p>Gallagher discloses "an incoming random access memory chip" and a "playback random access memory chip." Gallagher at 1:19-22 ("at least one user unit having <i>means for communication</i> with said database including a transmitter/receiver interface and <i>means for storing/recalling</i> and/or <i>processing</i> data received from the database.").</p> <p>Gallagher discloses a second party hard disk. Gallagher at 1:32-35 ("The media for storage of data would be floppy disk, <i>hard disk</i>, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.").</p> <p>Gallagher discloses sequential playback. Gallagher at Abstract, p.1 ("Preferably the user unit includes <i>playback apparatus</i>."). Gallagher at 1:87-92 ("The user unit, Figure 3, comprises a . . . suitable conversion apparatus 34 for audio and/or visual reproduction.").</p> <p>Accordingly, Gallagher discloses all of the steps recited in this limitation, including all of the steps of the "storing the transferred replica step" (storing, transferring, storing, causing to play, transferring, and playing).</p> <p>Moreover, a person having ordinary skill in the art at the time would understand how to perform all of the steps in this limitation.</p>
<p>4. A system for transferring digital video or digital audio signals comprising:</p>	See claim 1.
<p>a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or</p>	<p>See claim 1.</p> <p>Gallagher discloses a first party control unit with a hard disk and digital video and audio signals. Gallagher at 1:13-18 ("a database having a main</p>

<p>digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;</p>	<p>computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”).</p> <p>Gallagher at 1:81-84 (“The database, Figure 2, comprises a parallel transmitter/receiver 20, a serial/parallel and parallel/serial converter 21, an encoder/decoder 22 and a <i>buffer store</i> 23.”) A person skilled in the art would realize that a “buffer store 23” can be a sales random access memory chip.</p> <p>See claim 1, Gallagher disclosure re “electronically selling.”</p>
<p>a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and</p>	<p>Gallagher also discloses a second party control unit with a control panel and a second memory connected to the control panel. Gallagher at 1:21-22 (“means for storing/recalling and/or processing data received from the database”). Gallagher at 1:102-14, 2:104-107 (“The user . . . can log on to the data base and make her/his selection according to a supplied menu.”).</p> <p>Gallagher discloses a means for playing. Gallagher discloses playback and speakers. Gallagher at Abstract, p.1 (“Preferably the user unit includes <i>playback apparatus</i>.”). Gallagher at 1:87-92 (“The user unit, Figure 3, comprises a . . . suitable conversion apparatus 34 for audio and/or visual reproduction.”).</p> <p>Gallagher discloses the first and second party control units are remote and that the second party control unit is placed at a location determined by the second party. Gallagher discloses sale is to the general public. Gallagher at 1:49-50 (“sale to the general public via their user units.”). Gallagher also discloses that general public is at home and therefore at a remote location. Gallagher at 2:92-93 (“<i>home-buying of material</i>” and “immediate access to material.”).</p>
<p>telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.</p>	<p>See claim 1, Gallagher disclosure of “telecommunications lines” connecting the first party control unit and second party control unit and “selling electronically” information that is “transferred” from the sales random access memory of the first memory to the second memory while the second memory is in possession and control of the second party after the desired information (digital audio/video signals) is sold to the second party by the first party.</p>

<p>5. A system as described in claim 4 wherein the second memory includes a second party hard disk which stores the desired digital video or digital audio signals transferred from the sales random access memory chip, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback.</p>	<p>Gallagher discloses a second party hard disk as the second memory. Gallagher at 1:32-35 (“The media for storage of data would be floppy disk, <i>hard disk</i>, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.”)</p> <p>Gallagher discloses a playback random access memory chip that is electronically connected to the second party hard disk for temporary storage and staging area for playback. Gallagher at 1:19-22 (“at least one user unit having <i>means for communication</i> with said database including a transmitter/receiver interface and <i>means for storing/recalling</i> and/or <i>processing</i> data received from the database.”).</p>
<p>6. A system as described in claim 5 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.</p>	<p>Gallagher discloses that the first party control unit has a control integrated circuit which controls and executes commands of the first party and is connected to a first party hard disk, a sales random access memory and the second party control panel through telecommunications lines</p> <p><u>See</u> claim 2, Gallagher disclosure re “second party integrated circuit.”</p> <p>Gallagher at 1:13-16 (The first memory of a first party is a “database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data . . .”). Gallagher at 1:67-69 (First party can be the “source unit” which can also contain the first memory, and it “comprises a storage medium 11.”). Gallagher at 1:67-74 (“From Figure 1 it is seen that the source unit . . . comprises a storage medium 11, a buffer 12, an encoder/decoder 13, a serial/parallel and parallel/serial converter 14, and a parallel transmitter/receiver 15.”)</p> <p>Gallagher at 1:93-96 (“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.”)</p> <p>Gallagher discloses a “hard disk.” Gallagher at 1:32-35.</p> <p>Gallagher discloses a “sales random access memory chip.” Gallagher at 1:81-84.</p> <p><u>See</u> claim 1, Gallagher disclosure re “telecommunications lines.”</p> <p><u>See</u> claim 1, Gallagher disclosure re “digital video or digital audio signals.”</p> <p>Gallagher 1:87-92, Fig. 3 (“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 tape or optical disk, a decoder 33 and suitable conversion apparatus 34 for audio and/or visual reproduction.”). Gallagher at 1:102-104 (“The user . . . can log on to the data base and</p>

	make her/his selection according to a supplied menu.”).
<p>7. A system as described in claim 6 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.</p>	<p>Gallagher discloses a second party control unit with a control integrated circuit. Gallagher at 1:19-22 (“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.”). Gallagher at 1:102-104 (“The user . . . can log on to the data base and make her/his selection according to a supplied menu.”). Thus, Gallagher teaches that the second party control unit controls and executes commands of the second party.</p> <p><u>See</u> Claim 7, Gallagher disclosure re “hard disk.” Gallagher at 1:32-35.</p> <p><u>See</u> Claim 9, Gallagher disclosure re “playback random access memory chip.” Gallagher at 1:19-22.</p> <p><u>See</u> Claim 1, Gallagher disclosure re “telecommunications lines.”</p> <p>Thus, Gallagher discloses that the second party control unit is connected to the second party hard disk, the playback random access memory and the first party control integrated circuit through the telecommunications lines. Gallagher at 1:32-35.</p> <p><u>See</u> Claim 1, Gallagher disclosure re “digital video or digital audio signals.”</p> <p>Gallagher 1:87-92, Fig. 3 (“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 tape or optical disk, a decoder 33 and suitable conversion apparatus 34 for audio and/or visual reproduction.”). Gallagher at 1:102-104 (“The user . . . can log on to the data base and make her/his selection according to a supplied menu.”).</p> <p>Accordingly, Gallagher discloses that the first party and second party control integrated circuits regulate the transfer of the desired digital video or audio signals. Moreover, Gallagher discloses that the first party control panel is used to program and is connected to the first party control integrated circuit.</p>
<p>8. A system as described in claim 7 wherein the second memory includes an incoming random access memory chip connected to the second party hard disk and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for</p>	<p><u>See</u> Claim 3 for disclosures of “incoming random access memory chip” of the second party control unit, “second party hard disk,” “second party control integrated circuit.”</p> <p><u>See</u> Claim 4, Gallagher disclosure re “first party control unit.”</p> <p><u>See</u> Claim 1, Gallagher disclosure re “telecommunications lines.”</p>

subsequent storage to the second party hard disk.	
9. A system as described in claim 8 wherein the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.	Gallagher discloses that the second party control unit includes a video display unit that is connected to the playback random access memory chip and to the second party integrated circuit for displaying digital information. Gallagher at 1:87-92 (“The user unit, Figure 3, comprises a . . . suitable conversion apparatus 34 for audio and/or visual reproduction.”).
10. A system as described in claim 4 wherein the telecommunications lines include telephone lines.	Gallagher discloses telephone lines. Gallagher at 1:28-31 (“The media for data transfer is preferably high speed <i>telephone links</i> by way of modems. However, <i>normal telephone links</i> , fibre optic links, electro-magnetic waves or any other suitable medium may be used.”).
11. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:	See claim 1.
a first memory in possession and control of the first party;	Gallagher discloses a first memory is in the possession and control of the first party. Gallagher at 1:13-16 (The first memory of a first party is a “database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data . . .”) Gallagher at 1:67-69 (First party can be the “source unit” which can also contain the first memory, and it “comprises a storage medium 11.”). Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 1 & 2 (first memory has desired digital video or digital audio signals).
a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;	Gallagher discloses a second memory in possession and control of a second party Gallagher at 1:21-22 (“means for storing/recalling and/or processing data received from the database”). Gallagher at 1:102-14, 2:104-107 (“The user . . . can log on to the data base and make her/his selection according to a supplied menu.”). Gallagher at 1:49-50 (The <i>general public</i> has the user units and therefore is in possession and control.).
telecommunications lines;	See claim 1, Gallagher disclosure re “telecommunications lines.”
means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in	See claim 1, Gallagher disclosure re “selling electronically.”

possession of the first memory;	
<p>means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;</p>	<p>Gallagher discloses forming a connection electronically through telecommunications lines between the first and second memories. Gallagher at 1:28-31 ("The 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 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 visual" data. See Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3</p> <p>Gallagher discloses a "first control unit." Gallagher at 1:13-18 ("a database having a main computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.").</p> <p>Gallagher discloses a "first control panel." Gallagher at 1:13-16 (The first memory of a first party is a "database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data . . .")</p> <p>Gallagher discloses a "first control integrated circuit." Gallagher at 1:67-74 ("From Figure 1 it is seen that the source unit . . . comprises a storage medium 11, a buffer 12, an encoder/decoder 13, a serial/parallel and parallel/serial converter 14, and a parallel transmitter/receiver 15."). See also Gallagher at 1:13-16 (immediately above).</p> <p>Gallagher discloses a "sales random access memory." Gallagher at 1:81-84 ("The database, Figure 2, comprises a parallel transmitter/receiver 20, a serial/parallel and parallel/serial converter 21, an encoder/decoder 22 and a <i>buffer store</i> 23.") A person skilled in the art would realize that a "buffer store 23" can be a sales random access memory chip. Moreover, Gallagher discloses a "main computer" which inherently has a random access memory chip which a person of ordinary skill at the time would realize could be used as a sales random access memory chip.</p> <p>The sales random access memory and the first control panel are in electrical communication with the first control integrated circuit.</p> <p>Gallagher discloses a "second control unit." Gallagher at 1:21-22 ("means for storing/recalling and/or processing data received from the database").</p> <p>Gallagher discloses a "second control panel." Gallagher at 1:102-14, 2:104-107 ("The user . . . can log on to the data base and make her/his selection according to a supplied menu.").</p> <p>Gallagher discloses a "second control integrated circuit." Gallagher at 1:19-22 ("at least one user unit having means for communication with said database including a transmitter/receiver interface and means for storing/recalling and/or <i>processing data</i> received from the database.").</p>

	<p>Gallagher discloses a “incoming random access memory” and a “playback random access memory.” Gallagher at 1:19-22 (“at least one user unit having <i>means for communication</i> with said database including a transmitter/receiver interface and <i>means for storing/recalling</i> and/or <i>processing</i> data received from the database.”).</p> <p>The second control panel, incoming random access memory and the playback random access memory are in electrical communication with the second control integrated circuit.</p>
<p>means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and</p>	<p><u>See</u> Claim 1, Gallagher disclosure re “digital video or digital audio signals.”</p> <p><u>See</u> Claim 1, Gallagher disclosure re “telecommunications lines.”</p> <p>Gallagher at 1:13-18 (“a database having a main computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”). The database is housed by a “record company” and is therefore in control and possession of the first party.</p> <p>Gallagher at 1:19-22 (“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.”). Gallagher discloses that the second party is in control and possession of the second memory. Gallagher at 1:49-50 (The <i>general public</i> has the user units, which contain the second memory, and therefore is in possession and control.). Gallagher also discloses that general public is at home and therefore at a remote location. Gallagher at 2:92-93 (“<i>home-buying of material</i>” and “immediate access to material.”)</p>
<p>means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.</p>	<p>Gallagher at 1:19-22 (“user unit having means for communication with said <i>database</i> including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data</i> received from the database”).</p> <p>Gallagher at 1:13-18 (“a database having a main computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”).</p> <p>Therefore, Gallagher discloses that the storing means or mechanism is in electrical communication with said transmitting means or mechanism</p>
<p>12. A system as described in claim 11 wherein the telecommunications lines include telephone lines.</p>	<p>Gallagher discloses telephone lines. Gallagher at 1:28-31 (“The media for data transfer is preferably high speed <i>telephone links</i> by way of modems. However, <i>normal telephone links</i>, fibre optic links, electro-magnetic waves or any other suitable medium may be used.”). See also, claim 10.</p>

13. A system as described in claim 12 wherein the first memory comprises a first hard disk and the second memory comprises a second hard disk.	Gallagher discloses a hard disk for both memories. Gallagher at 1:32-35 (“The media for storage of data would be floppy disk, <i>hard disk</i> , optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.”).
14. A system as described in claim 13 including a video display and speakers in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.	Gallagher at 1:87-92 (“The user unit, Figure 3, comprises a . . . suitable conversion apparatus 34 for audio and/or visual reproduction.”). Gallagher at 1:19-22 (“user unit having means for communication with said <i>database</i> including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data</i> received from the database”).
15. A system as described in claim 11 wherein the telecommunications lines include telephone lines.	Gallagher discloses telephone lines. Gallagher at 1:28-31 (“The media for data transfer is preferably high speed <i>telephone links</i> by way of modems. However, <i>normal telephone links</i> , fibre optic links, electro-magnetic waves or any other suitable medium may be used.”). See also, claims 10 & 12.
16. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising:	See claim 1.
a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored;	Gallagher at 1:13-18 (“a database having a main computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”). The database is housed by a “record company” and is therefore in control and possession of the first party. Gallagher discloses a hard disk for both memories. Gallagher at 1:32-35 (“The media for storage of data would be floppy disk, <i>hard disk</i> , optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.”).
a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a second party hard disk in which the desired digital video or	Gallagher at 1:19-22 (“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.”). Gallagher discloses that the second party is in control and possession of the second memory. Gallagher at 1:49-50 (The <i>general public</i> has the user units, which contain the second memory, and therefore is in possession and control.). Gallagher also discloses that

<p>digital audio signals are stored that are received from the first memory and a playback random access memory connected to the second party hard disk;</p>	<p>general public is at home and therefore at a remote location. Gallagher at 2:92-93 (“<i>home-buying of material</i>” and “immediate access to material.”)</p> <p>Gallagher discloses a hard disk for both memories. Gallagher at 1:32-35 (“The media for storage of data would be floppy disk, <i>hard disk</i>, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.”).</p> <p>Gallagher discloses a “playback random access memory” connected to the second party hard disk. Gallagher at 1:19-22 (“at least one user unit having <i>means for communication</i> with said database including a transmitter/receiver interface and <i>means for storing/recalling</i> and/or <i>processing</i> data received from the database.”).</p>
<p>telecommunications lines;</p>	<p>Gallagher at 1:28-31 (“The media for data transfer is preferably high speed <i>telephone links</i> by way of modems. However, <i>normal telephone links</i>, fibre optic links, electro-magnetic waves or any other suitable medium may be used.”). See also, claims 10 & 12.</p>
<p>means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location;</p>	<p>See claim 1, Gallagher disclosure re “selling electronically” and “telecommunications lines.”</p> <p>Gallagher at 1:13-18 (“a database having a main computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”). The database is housed by a “record company” and is therefore in control and possession of the first party.</p> <p>Gallagher discloses that the second party is in control and possession of the second memory. Gallagher at 1:49-50 (The <i>general public</i> has the user units, which contain the second memory, and therefore is in possession and control.). Gallagher also discloses that general public is at home and therefore at a remote location. Gallagher at 2:92-93 (“<i>home-buying of material</i>” and “immediate access to material.”)</p>
<p>means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access</p>	<p>Gallagher discloses connecting electronically through telecommunications lines between the first and second memories. Gallagher at 1:28-31 (“The 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 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 visual” data. See Gallagher at 1:5, 1:8, 1:6-7, 1:91, Figs. 2 & 3.</p> <p>Gallagher discloses a “first control unit” at the first party location. Gallagher at 1:13-18 (“a database having a main computer, a caller/called interface, a transmitter/receiver interface, a <i>data storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”).</p> <p>Gallagher discloses a “second control unit” at the second party location.</p>

memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected to said second party hard disk, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said second control integrated circuit;

Gallagher at 1:21-22 (“means for storing/recalling and/or processing data received from the database”).

Gallagher discloses that the first control unit has a “first control panel.” Gallagher at 1:13-16 (The first memory of a first party is a “database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data”)

Gallagher discloses that the first control unit has a “first control integrated circuit.” Gallagher at 1:67-74 (“From Figure 1 it is seen that the source unit . . . comprises a storage medium 11, a buffer 12, an encoder/decoder 13, a serial/parallel and parallel/serial converter 14, and a parallel transmitter/receiver 15.”). See also Gallagher at 1:13-16 (immediately above).

Gallagher discloses that the first control unit has a “sales random access memory.” Gallagher at 1:81-84 (“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*.”) A person skilled in the art would realize that a “buffer store 23” can be a sales random access memory chip. Moreover, Gallagher discloses a “main computer” which inherently has a random access memory chip which a person of ordinary skill at the time would realize could be used as a sales random access memory chip.

Gallagher discloses that the sales random access memory is connected to the first hard disk. Gallagher at 1:32-35 (“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 medium.”).

The sales random access memory, the first hard disk and the first control panel are in electrical communication with the first control integrated circuit.

Gallagher discloses that the second control unit has a “second control panel.” Gallagher at 1:102-14, 2:104-107 (“The user . . . can log on to the data base and make her/his selection according to a supplied menu.”).

Gallagher discloses that the second control unit has a “second control integrated circuit.” Gallagher at 1:19-22 (“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.”).

Gallagher discloses that the second control unit has an “incoming random access memory” and a “playback random access memory.” Gallagher at 1:19-22 (“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.”).

Gallagher discloses that the incoming access memory is connected to the first hard disk. Gallagher at 1:32-35 (“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 medium.”). Gallagher at

	<p>1:19-22 (“at least one user unit having means for communication with said database including a transmitter/receiver interface and means for storing/recalling and/or <i>processing data</i> received from the database.”).</p> <p>The second control panel, incoming random access memory, the second party hard disk, and the playback random access memory are in electrical communication with the second control integrated circuit.</p>
<p>means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and</p>	<p>See claim 1, Gallagher disclosure re “digital video or digital audio signals.”</p> <p>See claim 1, Gallagher disclosure re “telecommunications lines.”</p> <p>See limitation immediately above re “sales random access memory” and “incoming random access memory.”</p> <p>Gallagher at 1:13-18 (“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 processing of data, means for controlling the process of being called by one or more user units or another database.”). The database is housed by a “record company,” therefore the transmitter in control and possession of the first party.</p> <p>Gallagher at 1:19-22 (“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.”). Gallagher discloses that the second party is in control and possession of the receiver. Gallagher at 1:49-50 (The <i>general public</i> has the user units, which contain the receiver, and therefore is in possession and control.). Gallagher also discloses that general public is at home and therefore location is determined by the second party. Gallagher at 2:92-93 (“<i>home-buying of material</i>” and “immediate access to material.”)</p> <p>Thus, the transmitter and connecting means are in electrical communication.</p>
<p>means or a mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.</p>	<p>Gallagher at 1:19-22 (“user unit having means for communication with said <i>database</i> including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data</i> received from the database”).</p> <p>Gallagher at 1:13-18 (“a database having a main computer, a caller/called interface, a transmitter/receiver interface, a data <i>storage</i> and processing system, means for controlling the storage and processing of data, means for controlling the processing of data, means for controlling the process of being called by one or more user units or another database.”).</p> <p>Therefore, Gallagher discloses that the digital video or audio signals from the sales random access memory are stored in the incoming random access memory and that the storing means is in electrical communication with the receiver of the transmitting means and the sales random access memory.</p>

<p>17. A system as described in claim 16 wherein the telecommunications lines include telephone lines.</p>	<p>Gallagher discloses telephone lines. Gallagher at 1:28-31 (“The media for data transfer is preferably high speed <i>telephone links</i> by way of modems. However, <i>normal telephone links</i>, fibre optic links, electro-magnetic waves or any other suitable medium may be used.”). See also, claims 10, 12 & 15.</p>
<p>18. A system as described in claim 17 including a video display and speakers in electrical communication with said second control integrated circuit.</p>	<p>Gallagher at 1:87-92 (“The user unit, Figure 3, comprises a . . . suitable conversion apparatus 34 for audio and/or visual reproduction.”). Gallagher at 1:19-22 (“user unit having means for communication with said <i>database</i> including a transmitter/receiver interface and means for <i>storing/recalling</i> and/or <i>processing data</i> received from the database”).</p>
<p>19. A system for transferring digital video signals comprising:</p>	<p>See claim 4 above.</p>
<p>a first party control unit in possession and control of a first party;</p>	<p>See claim 4 above.</p>
<p>a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit;</p>	<p>See claim 4 above.</p>
<p>said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location;</p>	<p>See claim 4 above.</p>
<p>a second party control unit having a second party control panel, a receiver and a video display for playing the</p>	<p>See claim 4 above; see “receiver” limitation of claim 11 above; see “video display” limitation of claim 9 above; .</p>

<p>desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip; and</p>	
<p>second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.</p>	<p>See claim 4 above.</p>
<p>20. A system as described in claim 19 wherein the telecommunications lines include telephone lines.</p>	<p>See claim 10 above.</p>
<p>21. A system as described in claim 20 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback.</p>	<p>See claim 5 above. See "second party control unit" limitation of claim 4 above.</p>

<p>22. A system as described in claim 21 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.</p>	<p>See claim 6 above.</p>
<p>23. A system as described in claim 22 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.</p>	<p>See claim 7 above.</p>
<p>24. A system as described in claim 23 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for</p>	<p>See claim 8 above.</p>

temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.	
25. A system as described in claim 24 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video signals.	See claim 9 above.
26. A system for transferring digital audio signals comprising:	See claim 19 above.
a first party control unit in possession and control of a first party, and a second party control unit in possession and control of a second party, wherein said second party control unit is at a second party location remote from the first party control unit, said first party control unit for controlling and transferring digital audio signals, said first party control unit having a first party hard disk having a plurality of digital audio signals which include a plurality of desired individual songs as desired digital audio signals, said first party control unit having a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital audio signals of the first party's hard disk to be transferred from the first party control unit; means or mechanism for transmitting the desired digital audio signals from the sales random access memory chip, said means or mechanism for transferring connected to the sales random access memory chip, and said first party control unit having means or a mechanism for the first party to charge a fee to the second party to provide the second party access to the desired digital audio signals of the first party's hard disk, said means or mechanism for the first party to charge a fee to the	See claim 19 above.

second party remote from the second party location;	
said second party control unit having a second party control panel, a second memory for storing the desired digital audio signals from the sales random access memory chip, a receiver connected to the second party control panel and speakers connected to the receiver for playing the desired digital audio signals in the second memory, said second party control panel connected to the receiver, said receiver and speakers operatively controlled by the second party control panel, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital audio signals from the first party's hard disk with said second party control panel, said second memory connected to the receiver and the speakers, said second memory storing the desired digital audio signals that are received by the receiver; and	See claim 19 above.
telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital audio signals in the sales random access memory are electronically transferred by the means or mechanism for transferring to the receiver while the second party is in possession and control of the second party control unit and after the desired digital audio signals of the first party's hard disk are sold to the second party by the first party with the means or mechanism for the first party to charge a fee.	See claim 19 above; see "telecommunications lines" limitation of claim 4.
27. A system as described in claim 26 wherein the telecommunications lines include telephone lines.	See claim 10 above.
28. A system for transferring digital video or digital audio signals	See claim 4 above.

<p>video or digital audio signals comprising:</p>	
<p>a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk;</p>	<p>See claim 4 above.</p>
<p>a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and</p>	<p>See claim 4 above.</p>
<p>telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip to the second memory while the second party is in possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party.</p>	<p>See claim 4 above.</p>

<p>29. A system as described in claim 28 wherein the telecommunications lines include telephone lines.</p>	<p>See claim 10 above.</p>
<p>30. A system as described in claim 29 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video or audio signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback.</p>	<p>See claim 21 above.</p>
<p>31. A system as described in claim 30 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.</p>	<p>See claim 22 above.</p>
<p>32. A system as described in claim 31 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party-control integrated circuit</p>	<p>See claim 23 above.</p>

<p>regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.</p>	
<p>33. A system as described in claim 32 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.</p>	<p>See claim 24 above.</p>
<p>34. A system as described in claim 33 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.</p>	<p>See claim 9 above.</p>

B. GREMILLET (U.S. Pat. No. 4,499,568): Claims 1 – 34 of the Hair '734 Patent Are Anticipated Under 35 U.S.C. § 102 by Gremillet in view of Gallagher Freeny, Akashi, Schwartz, Hellman, Ferrarini, Rosch, Elmer-Dewitt, Jared, Kramer, Waters, and/or Jordan.

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.

Accordingly, Gremillet is prior art to the Hair patents. It was not cited during the prosecution of the '734 patent.

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.).

The memory medium disclosed in Gremillet’s preferred embodiment is a video disk or video recorder. This was the high-density recording medium of choice in the early-

eighties due to the cost and capacity limitations of other media. However, by the late eighties hard disk had become a more attractive option. Thus, Gremillet's teaching that the recording medium could be "an apparatus generally suitable for recording picture signals" (Gremillet at 2:21-22) would have been interpreted to include a hard drive in 1988. During prosecution, Hair admitted that the use of hard disks in electronic sales was well known. '573 Prosecution History 6/25/92 Hair Decl. ("The use of transferring money across telecommunications 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."). Moreover, use of a hard disk would be obvious in view of other references such as Gallagher, Schwartz and Rosch.

While encryption of data is not specifically disclosed by Gremillet, the problem of piracy was well known within the art and a person of ordinary skill would have adopted one of the solutions known within the art to overcome this problem. Such teachings are plainly disclosed in other references from the time such as Gallagher, Hellman and Waters.

Accordingly, the Gremillet reference raises substantial new questions of patentability of the Hair '734 patent.

U.S. PAT. NO. 4,499,568 TO GREMILLET	
Claim	Prior Art Disclosure Rendering Hair Anticipated or Obvious, Including Motivation to Combine
1. A method for transferring desired digital video or digital audio signals comprising the steps of:	Gremillet teaches a process and system for vending recorded information by means of a picture transmission channel. Gremillet at Abstract.
forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of	Gremillet's disclosure of a "transmission channel" and "telephone lines" anticipates the transmission of digital audio and video signals over <u>telecommunications lines</u> and <u>telephone lines</u> in the '734 patent. Gremillet at 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 Gremillet at 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

<p>digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;</p>	<p>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 discloses a memory at a distribution centre (<u>first party</u>), which “comprises a bank of musical recordings.” Gremillet at 3:38-39; 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. Gremillet at 3:40-41 (“video disk or a video recorder”).</p> <p>Gremillet discloses a memory at the user (<u>second party</u>). Gremillet at 3:55-56 (“user equipment [that] comprises ... a video recorder.”) Gremillet at 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>The distribution centre and user were <u>remote</u>. Gremillet at 1:8-10 (“The present invention relates to a process for the teledistribution or <u>remote</u> 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>. See ‘573 Prosecution history, 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 covers <u>digital audio</u>, a technology considered conventional at the time of Gremillet’s patent. Gremillet at 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>Gremillet covers “recorded information,” which would include <u>digital video</u> Gremillet at Abstract.</p> <p>In addition, it would have been obvious to a person skilled in the art at the time to transfer “digital video” via telecommunications lines. Gallagher expressly discloses the combination of “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 “<i>digital data</i>” 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 the combination of the combination of “digital video” transfer via telecommunications lines.</p>
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	<p>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.”). Freeny also expressly discloses a “video display.” Freeny at 22:23-24, Figs. 1 & 3 (“The information catalog and request unit 90 may be an Apple II monitor”</p> <p>Rosch also discloses the combination of the combination of “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.”).</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>Elmer-Dewitt also discloses the combination of the combination of “digital video” transfer via telecommunications lines. Elmer-Dewitt at 69 (“The FBI prints descriptions of its ten most wanted criminals, complete with digitized mug shots for quick identification.”).</p> <p><u>See also</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>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>Gremillet discloses sales means that would have included RAM and a coding means. Gremillet at 3:46-54 (“The distribution centre 10 also comprises means 12 for forming a broad band, high flow rate message comprising a preamble constituted by an addressing code corresponding to the requesting subscriber, a body of a message corresponding to the selected work and an end of message. To these essential components can be added the signals normally encountered in transmission (sync pulses, error correcting codes, etc.)”)</p>
telephoning the first party controlling use of the first memory by the second	Gremillet at Fig. 1 (<u>telephone network</u>); 4:13-16 (“The user wishing to listen to a work...supplies the latter with the references of the chosen

part;	work means of the telephone line.”); Claim 5 (“a means for connecting subscribers to the distribution centre via a telephone network.”).
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>The <u>credit card</u> limitation is found in the prior art.</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 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>

	<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>electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;</p>	<p>A person of ordinary skill in the art would have known that data could be secured using <u>encryption</u>.</p> <p>In addition, it would have been obvious to a person skilled in the art at the time to use "encryption" to securely transfer digital audio and video signals via telecommunications lines. Gallagher expressly discloses the combination of using "encryption" and transferring digital audio and video signals over telecommunications lines. Gallagher at 1:36-38 ("The system may incorporate anti-piracy methods such as the encryption or encoding of data either generally or uniquely."); Gallagher at 1:50-54 ("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.").</p> <p>Additionally, Freeny expressly discloses the combination of using "encryption" and transferring digital audio and video signals over telecommunications lines. Freeny at 23:42-51 ("The encipher programs, the file encipher programs and the authorization encipher programs are programs designed to rearrange digital information in a predetermined manner and the file decipher programs, the decipher programs, the authorization decipher programs and the catalog decipher programs are designed to rearrange digital information back to a predetermined sequence or to select certain data from encoded information (The catalog decipher programs). Programs of this nature are well known in the art . . .").</p> <p>Waters also discloses the combination of using "encryption" and transferring digital audio and video signals over telecommunications lines. Waters at 82 ("The second is digital audio encryption, which some</p>

	<p>believe to be the ultimate weapon against theft of service.”).</p> <p>Jared also discloses the combination of using “encryption” and transferring digital audio and video signals over telecommunications lines. Jared at 165 (“Even inexpensive data-protection programs use exotic encryption methods that may be foolproof. In just a few seconds, you can scramble a file so thoroughly that not even the C.I.A. can read it.”).</p> <p>Kramer also discloses the combination of using “encryption” and transferring digital information over telecommunications lines. Kramer at C7 (“Several software firms are including encryption as an option for their spreadsheet or database users. Other developers sell encryption hardware and software to tighten the lid on computer security.”).</p> <p>Hellman discloses the combination of encryption (cryptography) to defeat software piracy and transferring digital information over telecommunications lines. Hellman at 2:61-65 (“Three prior art cryptographic functions required to carry out the present invention are described: conventional cryptographic functions or systems, one-way functions, and public key cryptosystems.”).</p> <p>Accordingly, the use of “encryption” to securely transfer 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>storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip;</p>	<p>Gremillet teaches a sales RAM at 3:46-54 (“The distribution centre 10 also comprises means 12 for forming a broad band, high flow rate message comprising a preamble constituted by an addressing code corresponding to the requesting subscriber, a body of a message corresponding to the selected work and an end of message. To these essential components can be added the signals normally encountered in transmission (sync pulses, error correcting codes, etc.).”)</p> <p>In addition, it would have been obvious to a person skilled in the art at the time to use a “hard disk” to store digital audio and video signals. Gallagher expressly discloses the combination of “hard disk” and storage of digital audio and video signals. Gallagher at 1:32-35 (“The media storage of data would be floppy disk, <i>hard disk</i>, optical or laser disk, magnetic tape, integrated circuit memory or any other suitable medium.”).</p> <p>Additionally, Schwartz discloses the combination of “hard disk” and storage of digital information and data. Schwartz at 6:23-29 (“In the preferred embodiment of this invention the storage medium is a 5.25” magnetic disk commonly in use for digital magnetic storage and retrieval. These disks have a storage capacity of about 1 megabyte . . . and are anticipated to reach 10 megabytes in the near future. For purposes of illustration, a 5 megabyte disk will be assumed.”).</p> <p>Ferrarini also discloses the combination of “hard disk” and storage of digital information, data, audio and video signals. Ferrarini (“When your microcomputer buffer is full, the linker routine instructs your computer to record the software on disk.”).</p>

	Accordingly, the use of a "hard disk" for storage of digital audio and video signals would have been obvious to one of ordinary skill in the art at the relevant time.
transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and	Gremillet's disclosure of a "transmission channel" and "telephone lines" anticipates the transmission of digital audio and video signals over telecommunications lines and telephone lines in the 1440 patent. Gremillet at 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 Gremillet at 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.").
storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.	Gremillet discloses the storage of audio at the user's terminal. Gremillet at 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.").
2. A method as described in claim 1 wherein there is a second party integrated circuit which controls and executes commands of the second party, and a second party control panel connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk.	Gremillet discloses the use of second party control integrated circuit to control and execute the teledistribution and playback of digital audio. Gremillet at 3:55-62 ("Each user equipment comprises...an indicating circuit..."); 4:21-34 ("When the complete work has been transmitted, by means of circuit 12, centre 10 transmits an end of message code, which is recognized by circuit 22, which then stops the video recorder 23."); 5:27 ("control circuit 60"); Fig. 2 ("Control CCT 60") See '734 Prosecution history, 1/3/94 Hair Decl., p. 3-4 ("Furthermore, the 'second party' must have a 'receiver' (the control IC of the user in figure 1) in his 'possession' in order to receive the music electronically from the hard disk of the agent over the telecommunications lines, such as telephone lines.") The <u>commanding</u> limitation is satisfied. Gremillet at 4:13 ("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..."). Gremillet disclosed a means whereby a user could <u>select recordings</u> being offered by the distribution centre, thereby satisfying the control panel limitation of this claim. Gremillet at 4:13 ("The user wishing to listen to a work belonging to the collection recorded in the centre supplies the latter with the references of the chosen work by means of the telephone line."); Fig. 1 ("Telephone receiver 41"). See claim 1, re <u>hard disk</u> .
3. A method as described in claim 2 wherein the second memory includes an incoming random access memory chip which temporarily stores the coded	Gremillet teaches <u>playback means</u> , in satisfaction of these claim limitations. Gremillet discloses a <u>playback R.A.M.</u> that is used as a temporary staging area during playback. Gremillet at Fig. 2 (54B / 54A); 5:11 ("two memory stacks").

<p>desired digital video or digital audio signals from the sales random access memory chip, a second party hard disk for storing the coded desired digital video or audio digital signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the first party hard disk for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.</p>	<p>5:11 (“two memory stacks”).</p> <p>Gremillet discloses a playback means including <u>speakers</u>. Gremillet at Fig. 1 (“Sound Restoration” 25); 4:34-37 (“An indicator can inform the subscriber that listening can start....The recording can be kept on the video recorder for the purpose of listening to it later...”).</p> <p>See claim 1 re <u>selling electronically, credit card</u>.</p> <p>See also claims 1 and 2 re <u>hard disk</u> and the <u>coding of the signals</u>.</p>
<p>4. A system for transferring digital video or digital audio signals comprising:</p>	<p><u>See claim 1</u>.</p>
<p>a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;</p>	<p>The <u>first party control</u> unit is encompassed in the distribution center. Gremillet at 3:37-54.</p> <p>In addition, it would have been obvious to a person skilled in the art at the time to use a “first party control unit” to facilitate transferring digital audio and video signals via telecommunications lines. Gallagher expressly discloses the combination of using a “first party control unit” and transferring digital audio and video signals over telecommunications lines. Gallagher at 1:13-18 (“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 processing of data, means for controlling the process of being called by one or more user units or another database.”).</p> <p>Additionally, Freeny discloses the combination of using a “first party</p>

	<p>control unit” to facilitate transferring digital audio and video signals over telecommunications lines. Freeny at Fig. 2, 5:1-7; 22:12-13 (“In general, the information control machine 12 [including the “control manufacturing unit 72, which may be an Apple III computer] is constructed to receive information via an input line 16, encode the received information, store the encoded information, receive request reproduction codes requesting to reproduce certain preselected information at a particular information manufacturing machine 14.”).</p> <p>Schwartz also discloses the combination of using a “first party control unit” (computer) and transferring digital audio and video signals over telecommunications lines. Schwartz Figs. 5 & 6; (microcomputers); 10:6-9 (“the user control pad may offer...track select and other additional features...”); Schwartz at 7:5-10, 10:20-25 (a first party control unit (“computer” of which a “control unit” would be an inherent part) having integrated circuits (“the system will employ Very Large Scale Integrated Circuit (VLSIs) technology”) which controls and executes commands of the first party (keyboard) connected to the first party hard disk); Scwhartz at 10:20-37 (the first party control unit is connected through the telecommunications lines to the second party and the first and second party integrated circuits regulate the transfer of the desired digital audio or video signals).</p> <p>Ferrarini discloses the combination of using a “first party control unit” (computer) and transferring digital audio and video signals over telecommunications lines. Ferrarini at 35 (“This so-called telesoftware does not require any special hardware or expensive software. You usually need a microcomputer equipped with either a 300- or 1200- baud Bell 103 compatible modem and communications software.”)</p> <p>Akashi discloses the combination of using a “first party control unit” (computer) and transferring digital audio and video signals over telecommunications lines. Akashi discloses a system where digital music (audio signal) is stored on a host (first party) computer’s database (first memory). Akashi Fig. 1, pp. 1, 4 & 5 (A host/first party “control unit” would have been an inherent part of a host computer); Akashi at 3, Fig. 2 (showing the first party and second party connected through telecommunications lines).</p> <p>Hellman discloses the combination of using a “first party control unit” (computer) and transferring digital audio and video signals over telecommunications lines. Hellman at Abstract, 3:27 (“Base units” include computers).</p> <p>Accordingly, the use of a “first party control unit” to facilitate transferring 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>See claim 2 re: <u>digital audio</u> and <u>video</u> signals, <u>sales random access memory chip</u>, <u>hard disk</u>, and means for <u>electronic sales</u> limitations.</p>
<p>a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the</p>	<p>Gremillet teaches a <u>second party control</u> unit. Gremillet at 3:55 (“Each user equipment...”).</p> <p>Gremillet’s disclosure of “subscriber equipment” (Gremillet at 3:11) and</p>

<p>desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and</p>	<p>“user equipment” (Gremillet at 3:55) anticipates distribution to <u>a location determined by the second party</u>. Gremillet at Claim 1 (“in equipment housed with the requesting subscriber”); Abstract.</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. See ‘734 Prosecution history, 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>See claim 2, re: <u>control panel</u> limitation and <u>playback means</u> limitations.</p> <p>See claim 1, re: <u>remoteness of first party and second party control units</u>.</p>
<p>telecommunications lines connected to the first party control unit and the second party control unit through which the <u>electronic sales</u> of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.</p>	<p>See claim 1 re: <u>telecommunications lines</u>.</p> <p>Gremillet’s invention relates to “vending” recorded information, including digital audio and vending is the same as sale. Gremillet at Abstract. Gremillet mentions “subscribers” throughout his patent. Gremillet at 4:35.</p> <p>A person employing Gremillet’s invention for selling would have naturally used <u>electronic sales</u>, because this would have provided the most convenient purchaser experience in the context of teledistribution.</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 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</p>

	<p>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> <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><u>See also</u> Claim 1.</p>
<p>5. A system as described in claim 4 wherein the second memory includes a second party hard disk which stores the</p>	<p><u>See</u> Claim 1 regarding <u>second memory</u> (user memory), <u>hard disk</u> and <u>digital video</u> and <u>audio signals</u>.</p>

<p>desired digital video or digital audio signals transferred from the sales random access memory chip, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback.</p>	<p><u>See claim 1 re: Sales RAM.</u></p> <p><u>See claim 3 re: Playback RAM.</u></p>
<p>6. A system as described in claim 5 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.</p>	<p><u>See claim 1 re: telecommunication lines and media storage on hard disk.</u></p> <p><u>See claim 4 re: control unit, control panel and control integrated circuit.</u></p> <p>In addition, it would have been obvious to a person skilled in the art at the time to use a "first party control panel" to facilitate transferring digital audio and video signals via telecommunications lines. Gallagher discloses the combination of using a "first party control panel" and transferring digital audio and video signals over telecommunications lines. Gallagher at 1:13-16 (The first memory of a first party is a "database having a main computer, . . . a data storage and processing system, means for controlling the storage and processing of data . . ."); Gallagher at 1:67-69 (First party can be the "source unit" which can also contain the first memory, and it "comprises a storage medium 11."); Gallagher at 1:67-74 ("From Figure 1 it is seen that the source unit . . . comprises a storage medium 11, a buffer 12, an encoder/decoder 13, a serial/parallel and parallel/serial converter 14, and a parallel transmitter/receiver 15."); Gallagher at 1:93-96 ("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."). Thus, Gallagher discloses that the first party and second party control integrated circuits regulate the transfer of the desired digital video or audio signals. Moreover, Gallagher discloses that the first party control panel is used to program and is connected to the first party control integrated circuit.</p> <p>Ferrarini discloses the combination of using a "first party control panel" (computer, which would have a keyboard as a first party control panel) and transferring digital audio and video signals over telecommunications lines. Ferrarini at 35 ("This so-called telesoftware does not require any special hardware or expensive software. You usually need a microcomputer equipped with either a 300- or 1200- baud Bell 103 compatible modem and communications software.").</p> <p>Freeny discloses the combination of using a "first party control panel" (computer, which would have a keyboard as a first party control panel) and transferring digital audio and video signals over telecommunications lines. Freeny at Figs. 1, 2, 5:1-7; 22:12-13 ("In general, the information control machine 12 [including the "control manufacturing unit 72, which may be an Apple III computer having a keyboard] is constructed to receive information via an input line 16, encode the received information, store the encoded information, receive request reproduction codes requesting to reproduce certain preselected information at a particular</p>

	<p>information manufacturing machine 14.”).</p> <p>Schwartz also discloses the combination of using a “first party control panel” (user controls of a computer) and transferring digital audio and video signals over telecommunications lines. Schwartz Figs. 5 & 6; (microcomputers); 10: 6-9 (“the user control pad may offer...track select and other additional features...”); Schwartz at 7:5-10, 10:20-25 (a first party control unit (“computer” of which a keyboard or “control panel” would be an inherent part) having integrated circuits (“the system will employ Very Large Scale Integrated Circuit (VLSIs) technology”) which controls and executes commands of the first party (keyboard) connected to the first party hard disk); Schwartz at 10:20-37 (the first party control unit is connected through the telecommunications lines to the second party and the first and second party integrated circuits regulate the transfer of the desired digital audio or video signals).</p> <p>Akashi discloses the combination of using a “first party control panel” (keyboard of a computer) and transferring digital audio and video signals over telecommunications lines. Akashi discloses a system where digital music (audio signal) is stored on a host (first party) computer’s database (first memory). Akashi Fig. 1, pp. 1, 4 & 5 (A host/first party keyboard or “control panel” would have been an inherent part of a host computer); Akashi at 3, Fig. 2 (showing the first party and second party connected through telecommunications lines).</p> <p>Hellman discloses the combination of using a “first party control panel” (base unit/computer having a keyboard) and transferring digital audio and video signals over telecommunications lines. Hellman at 8:66-67 (base unit would have a keyboard).</p> <p>Accordingly, the use of a “first party control unit” to facilitate transferring 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>7. A system as described in claim 6 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.</p>	<p><u>See claim 1 re: telecommunications line.</u></p> <p><u>See claims 2 and 4 re: control integrated circuit.</u></p> <p><u>See claims 1 and 3 re: second party hard disk.</u></p> <p><u>See claim 3 re: playback RAM.</u></p> <p><u>See claim 4 re: control panel.</u></p>

<p>8. A system as described in claim 7 wherein the second memory includes an incoming random access memory chip connected to the second party hard disk and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.</p>	<p><u>See claims 1 and 3 re: second party hard disk.</u></p> <p><u>See claims 2 and 4 re: control integrated circuit.</u></p> <p><u>See claim 1 re: telecommunications line.</u></p> <p><u>See claim 4 re: second party control unit.</u></p> <p><u>See claims 1 and 3 re: second party hard disk.</u></p>
<p>9. A system as described in claim 8 wherein the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.</p>	<p>In addition, it would have been obvious to a person skilled in the art at the time to transfer "digital video" via telecommunications lines. Gallagher expressly discloses the combination of "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 visual" 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 the combination of the combination of "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."). Freeny also expressly discloses a "video display." Freeny at 22:23-24, Figs. 1 & 3 ("The information catalog and request unit 90 may be an Apple II monitor . . .").</p> <p>Rosch also discloses the combination of the combination of "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.").</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>Elmer-Dewitt also discloses the combination of the combination of "digital video" transfer via telecommunications lines. Elmer-Dewitt at 69 ("The FBI prints descriptions of its ten most wanted criminals, complete with digitized mug shots for quick identification.").</p> <p><u>See also '440 Prosecution History, 1/4/96 Office Action at 4 ("Ogaki et al</u></p>

	<p>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>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><u>See claim 3 re: playback RAM.</u></p>
10. A system as described in claim 4 wherein the telecommunications lines include telephone lines.	Gremillet at Fig. 1 (<u>telephone network</u>); 4:13-16 (“The user wishing to listen to a work...supplies the latter with the references of the chosen work means of the telephone line.”); Claim 5 (“a means for connecting subscribers to the distribution centre via a telephone network.”).
11. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:	Gremillet at 1:8-10 (“The present invention relates to a process for the teledistribution or remote distribution of recorded information or and to a system for performing this process.”).
a first memory in possession and control of the first party;	<u>See claim 1 re: first party memory.</u>
a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;	<u>See claim 1 re: second party memory.</u>
telecommunications lines;	<u>See claim 1 re: telecommunications lines.</u>
means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory;	<u>See claim 1 re: electronic transfer of money (credit card limitation).</u>
means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the	<p><u>See claim 1 re: telecommunications lines.</u></p> <p><u>See claims 1-3 re: both parties’ control units, control integrated circuits, control panels and random access memory.</u></p>

<p>transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;</p>	
<p>means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and</p>	<p>Gremillet discloses a means for transmitting the desired digital video or audio signal including a <u>transmitter</u> and <u>receiver</u>. Gremillet at Fig. 1 ("Transmitter"). Gremillet at Fig. 1 ("TV Receiver").</p> <p><u>See Claim 1: re telecommunications lines and remoteness.</u></p> <p><u>See Claim 4: re location determined by a second party.</u></p>
<p>means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.</p>	<p><u>See claim 1 re: second party memory.</u></p>
<p>12. A system as described in claim 11 wherein the telecommunications lines</p>	<p><u>See claim 1 re: telephone lines.</u></p>

include telephone lines.	
13. A system as described in claim 12 wherein the first memory comprises a first hard disk and the second memory comprises a second hard disk.	<u>See claims 1 and 3 re: second party hard disk.</u>
14. A system as described in claim 13 including a video display and speakers in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.	Gremillet discloses a <u>playback</u> means including <u>speakers</u> . Gremillet at Fig. 1 ("Sound Restoration" 25). <u>See claim 9 re: video display.</u>
15. A system as described in claim 11 wherein the telecommunications lines include telephone lines.	<u>See claim 1 re: telephone lines.</u>
16. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising:	<u>See claim 1.</u>
a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored;	<u>See claim 1 re: first party memory, including first party hard disk, and digital video and digital audio signals.</u>
a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a second party hard disk in which the desired digital video or digital audio signals are stored that are received from the first memory and a playback random access memory connected to the second party hard disk;	<u>See claim 1 re: second memory, remoteness and second party hard disk.</u> <u>See claim 3 re: playback RAM.</u> <u>See claim 4 re: location determined by second party limitation.</u>
telecommunications lines;	<u>See claim 1 re: telecommunications lines.</u>
means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in	<u>See claim 1 re: electronic transfer of money (credit card).</u>

<p>possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location;</p>	
<p>means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected to said second party hard disk, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said</p>	<p><u>See claims 1 re: telecommunications lines, first and second party memory, digital audio or video signals, remoteness, first party location (distribution centre), first party hard disk</u></p> <p><u>See claims 2 and 4 re: control integrated circuit.</u></p> <p><u>See claim 4 re: control units.</u></p>

second control integrated circuit;	
means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and	<u>See above.</u>
means or a mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.	<u>See above.</u>
17. A system as described in claim 16 wherein the telecommunications lines include telephone lines.	<u>See claim 1 re: telephone lines.</u>
18. A system as described in claim 17 including a video display and speakers in electrical communication with said second control integrated circuit.	<u>See claim 3 re: speakers.</u> <u>See claim 9 re: video display.</u>
19. A system for transferring digital video signals comprising:	<u>See claim 1.</u>
a first party control unit in possession and control of a first party;	<u>See claim 1 re: first memory (supplier).</u> <u>See claim 4 re: control unit.</u>
a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said	<u>See claims 1 re: second memory (user) and remote locations.</u> <u>See claim 4 re: control unit.</u>

first party control unit;	
<p>said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location;</p>	<p><u>See claim 1 re: digital video, media storage on hard disk, electronic transfer of money, and sales R.A.M.</u></p>
<p>a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip; and</p>	<p><u>See claims 1 re: second memory (user), remote locations, digital video and media storage on hard disk.</u></p> <p><u>See claim 2 re: control panel.</u></p> <p><u>See claim 5 re: location determined by the second party.</u></p> <p><u>See claim 9 re: video display.</u></p>
<p>telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales</p>	<p><u>See claims 1 re: digital video, telecom lines, transmitting data over telecom lines, and sales R.A.M.</u></p> <p><u>See claim 4 re: control unit.</u></p>

<p>electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.</p>	
<p>20. A system as described in claim 19 wherein the telecommunications lines include telephone lines.</p>	<p><u>See claim 1 re: telephone lines.</u></p>
<p>21. A system as described in claim 20 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback.</p>	<p><u>See claims 1 re: digital video and media storage on hard disk.</u> <u>See claim 4 re: control unit.</u></p>
<p>22. A system as described in claim 21 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.</p>	<p><u>See claims 1 re: digital video, telecom lines, media storage on hard disk, and sales R.A.M.</u> <u>See claims 2 and 6 re: control I.C. and control panel.</u></p>
<p>23. A system as described in claim 22 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said</p>	<p><u>See claims 1 re: digital video, telecom lines, and media storage on hard disk.</u> <u>See claims 2 re: control I.C. and control panel.</u> <u>See claim 3 re: playback R.A.M.</u> <u>See claim 4 re: control unit.</u></p>

<p>first party control integrated circuit regulate the transfer of the desired digital video signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.</p>	
<p>24. A system as described in claim 23 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.</p>	<p><u>See claims 1 re: telecom lines and media storage on hard disk.</u></p> <p><u>See claim 2 re: control I.C.</u></p> <p><u>See claim 3 re: playback R.A.M.</u></p>
<p>25. A system as described in claim 24 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video signals.</p>	<p><u>See claim 1 re: digital video.</u></p> <p><u>See claim 2 re: integrated circuit.</u></p> <p><u>See claim 3 re: playback R.A.M.</u></p> <p><u>See claim 9 re: video display.</u></p>
<p>26. A system for transferring digital audio signals comprising:</p>	<p><u>See claims 1 re: remote locations, digital audio, media storage on hard disk, electronic transfer of money and sales R.A.M.</u></p> <p><u>See claim 4 re: control unit.</u></p>
<p>a first party control unit in possession and control of a first party, and a second party control unit in possession and control of a second party, wherein said second party control unit is at a second party location remote from the first party control unit, said first party control unit for controlling and transferring digital audio signals, said first party control unit having a first party hard disk having a plurality of digital audio signals which include a plurality of desired individual songs as desired digital audio signals, said first party control unit having a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital audio signals of the first party's hard</p>	<p>Gremillet teaches teledistribution of individual songs. Gremillet at 1:47-51 ("Thus, there is a real need for a distribution system for musical works, which obviates the aforementioned disadvantages, i.e. which is able to make almost instantaneously available to the music lover the musical work of his choice.")</p> <p><u>See claims 1 re: first memory (supplier), second memory (user), remote locations, digital audio, media storage on hard disk, electronic transfer of money, and sales R.A.M.</u></p>

<p>disk to be transferred from the first party control unit; means or mechanism for transmitting the desired digital audio signals from the sales random access memory chip, said means or mechanism for transferring connected to the sales random access memory chip, and said first party control unit having means or a mechanism for the first party to charge a fee to the second party to provide the second party access to the desired digital audio signals of the first party's hard disk, said means or mechanism for the first party to charge a fee to the second party remote from the second party location;</p>	
<p>said second party control unit having a second party control panel, a second memory for storing the desired digital audio signals from the sales random access memory chip, a receiver connected to the second party control panel and speakers connected to the receiver for playing the desired digital audio signals in the second memory, said second party control panel connected to the receiver, said receiver and speakers operatively controlled by the second party control panel, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital audio signals from the first party's hard disk with said second party control panel, said second memory connected to the receiver and the speakers, said second memory storing the desired digital audio signals that are received by the receiver; and</p>	<p><u>See claims 1 re: second memory (user), remote locations, digital audio, media storage on hard disk, and sales R.A.M.</u></p> <p><u>See claim 2 re: control panel.</u></p> <p><u>See claims 4 re: control unit and location determined by the second party.</u></p> <p><u>See claim 14 re: speakers.</u></p>
<p>telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital audio signals in the sales random access memory are electronically transferred by the means or mechanism for transferring to the receiver while the second party is in possession and control of the second party control unit and after the desired digital audio signals of the first party's</p>	<p><u>See claims 1 re: second memory (user), digital audio, telecom lines, media storage on hard disk, electronic transfer of money, and sales R.A.M.</u></p> <p><u>See claim 4 re: control unit.</u></p>

<p>hard disk are sold to the second party by the first party with the means or mechanism for the first party to charge a fee.</p>	
<p>27. A system as described in claim 26 wherein the telecommunications lines include telephone lines.</p>	<p><u>See claim 1 re: telephone lines.</u></p>
<p>28. A system for transferring digital video or digital audio signals comprising:</p>	<p><u>See claim 1.</u></p>
<p>a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk;</p>	<p><u>See claims 1 re: digital audio, digital video, media storage on hard disk, and sales R.A.M.</u></p> <p><u>See claim 4 re: control unit.</u></p>
<p>a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and</p>	<p><u>See claims 1 re: second memory (user) and remote locations.</u></p> <p><u>See claim 2 re: control panel.</u></p> <p><u>See claims 4 re: control unit and location determined by the second party.</u></p> <p><u>See claim 14 re: playback means.</u></p>
<p>telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory</p>	<p><u>See claims 1 re: digital audio, digital video, telecom lines, transmitting data over telecom lines, and media storage on hard disk.</u></p> <p><u>See claim 4 re: control unit.</u></p>

<p>chip to the second memory while the second party is in possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party.</p>	
<p>29. A system as described in claim 28 wherein the telecommunications lines include telephone lines.</p>	<p><u>See claim 1 re: telephone lines.</u></p>
<p>30. A system as described in claim 29 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video or audio signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback.</p>	<p><u>See claims 1 re: digital audio, digital video, and media storage on hard disk.</u></p> <p><u>See claim 3 re: playback R.A.M.</u></p>
<p>31. A system as described in claim 30 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.</p>	<p><u>See claims 1 re: digital audio, digital video, telecom lines, media storage on hard disk, sales R.A.M.</u></p> <p><u>See claims 2 re: control I.C. and control panel.</u></p> <p><u>See claim 4 re: control unit.</u></p>
<p>32. A system as described in claim 31 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit</p>	<p><u>See claims 1 re: digital audio, digital video, telecom lines, media storage on hard disk.</u></p> <p><u>See claims 2 re: control I.C. and control panel.</u></p> <p><u>See claim 3 re: playback R.A.M.</u></p>

<p>regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.</p>	
<p>33. A system as described in claim 32 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.</p>	<p><u>See claims 1 re: digital audio, digital video, telecom lines, and media storage on hard disk.</u></p> <p><u>See claim 2 re: control I.C.</u></p> <p><u>See claim 4 re: control unit.</u></p>
<p>34. A system as described in claim 33 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.</p>	<p><u>See claims 1 re: digital audio and digital video.</u></p> <p><u>See claim 3 re: playback R.A.M.</u></p> <p><u>See claim 4 re: control unit.</u></p> <p><u>See claim 9 re: video display.</u></p>

VIII. DOUBLE PATENTING IS A PROPER BASIS FOR THE REEXAMINATION PROCEEDING

The '734 patent is also invalid under the doctrine of double patenting. The doctrine of double patenting seeks to prevent the unjustified extension of patent exclusivity beyond the term of a patent. According to the MPEP, the public policy behind this doctrine is that "[t]he public should . . . be able to act on the assumption that upon the expiration of the patent it will be free to use not only the invention claimed in the patent but also modifications or variants which would have been obvious to those of ordinary skill in the art at the time the invention was made, taking into account the skill in the art and prior art other than the invention claimed in the issued patent." See MPEP, § 804 (citing cases). For the doctrine of double patenting to apply, there must be some common relationship of inventorship and/or ownership of two or more patents or applications. Since the doctrine of double patenting seeks to avoid unjustly extending patent rights at the expense of the public, the focus of any double patenting analysis necessarily is on the claims in the multiple patents or patent applications involved in the analysis.

Accordingly, double patenting can provide the basis for a reexamination proceeding. In re Lonardo, 119 F.3d 960 (Fed. Cir. 1997); MPEP §§ 2217, 2258. In Lonardo, the Federal Circuit concluded that nonstatutory double patenting is a legitimate basis for reexamination and that reexamination can be based upon non-prior art patents over which there is nonstatutory double patenting. *See also* Richard A. Neifeld, *Viability of the Hilmer Doctrine*, 81 J. Pat. & Trademark Off. Soc'y 544 (1999) (explaining the Federal Circuit's reasoning). The Lonardo court found that 35 U.S.C. § 303(a) is not limited to prior art patents or printed publications, and granted the Commissioner the authority to consider substantial new questions of patentability over "patents and publications discovered by him." 119 F.3d at 966; 35 U.S.C. §303(a) (1994). See also Geneva Pharms., Inc. v. GlaxoSmithKline PLC, 349 F.3d 1373 (Fed. Cir. 2003) (citing In re Lonardo with approval).

A. The '734 Patent Is Invalid For Obviousness-Type Nonstatutory Double Patenting.

As explained in the Introduction (Section I of this Request) the only limitations that do not represent a mere change in wording that the patentee added in the '734 patent are: (1) control unit; (2) speakers; (3) video display; (4) electronic coding or, encryption, of the signal; (5) hard disk; (6) control panel; (7) integrated circuit; and (8) sales, incoming or playback RAM chip.¹

As explained more fully below, none of these limitations is patentably distinct and all of them would have been obvious to the person of ordinary skill in the art, in 1988. Indeed, the patentee is currently seeking to further extend its monopoly by pursuing a fourth patent claiming the same priority date and reciting the very same invention. The PTO, however, has recognized that the new application covers the same territory and rejected Claims 32-69 of that pending application under the doctrine of double patenting over Claims 12-21 and 25-28 of the '440 Patent. *See* Office Action dated July 21, 2000. On January 19, 2001, the patentee filed a terminal disclaimer to overcome the Examiner's rejection. *See* Amendment of January 19, 2001.

The '734 patent claims the same invention as the '573 patent, and adds only minor and obvious limitations, all of the claims of the '734 Patent are invalid for obviousness-type of double patenting. Because the Examiner had not rejected the claims on the basis of double patenting during the prosecution of the '734 patent, Requestor's analysis presents substantial new questions of patentability.

¹ In addition to these limitations, there are numerous minor differences between the claims of the two patents. Those are even more obvious variations of the claimed elements. For example, having various parts of the structures or systems described at "remote locations," and the locations being determined by respective parties and the placing being done by the respective parties is obvious in light of every prior art reference cited herein.

B. Double Patenting Analysis of the Claims of the '734 Patent

Claim 1 of the '734 Patent

Claim 1 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent.² Claim 1 of the '734 patent reads as follows:

A method for transferring desired digital video or digital audio signals comprising the steps of: forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a **first party hard disk** having a plurality of digital video or digital audio signals including **coded** desired digital video or digital audio signals, and a sales **random access memory** chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party; 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; electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals; storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip; transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.

Claim 3 of the '573 patent depends from claim 1 of the '573 patent. Claim 1 reads as follows:

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

² Claim 4 for the '573 patent is referenced for the purpose to show the "video" signals but is not included in the rest of the claim comparison for simplicity as the language is the same as claim 1 of the '573 patent. This is consistent with the rest of the claims that include reference to audio and video signals.

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.

Claims 3 adds the step of telephoning a credit card number to the first party so the user is charged money.

Claims 4 and 6 of the '573 are identical to claims 1 and 3 of the '573, respectively, except that they cover digital video instead of digital audio.

The only differences between claim 1 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.³

The "first party hard disk" was obvious in view of Gallagher at 1:32-35 (media for storage of data would be hard disk); Freeny at 22:31-36 (digital storage unit may be a hard disk); Schwartz at 6:23 (storage medium can be magnetic disk); '734 Prosecution History, 1/3/94 Hair Decl., p. 2 ("The use of transferring money across telecommunication connections, such as by telephoning over the phone lines the agents who as a first party's hard disk, or charging a fee to a purchaser or 'second party' preferably at a location remote from purchaser or 'second party', for obtaining data on the first party's hard disk through telecommunications lines is well known to

³ Indeed, the court that construed the claims noted that the invention in the '734 patent was almost the same as the invention of the '573 patent with the exception to the differences explained above: "The '734 patent, which has claims 1-8, 10-14, and 26-27 in suit, discloses in claim 1 the same basic invention as was disclosed in the '573 patent, but with the addition of steps involving the use of a "hard disk" and "sales random access memory" by the selling party, and "electronic coding" of the signal to prevent unauthorized copying thereof. Claim 2 adds the use of a "second party integrated circuit" and a "control panel" to execute commands during the process described in Claim 1. Claim 3 describes an "incoming random access memory chip" in the buyer's possession which temporarily stores the incoming digital signal until it is transferred to the buyer's hard disk. Claims 4-8 describe the use of a "control integrated circuit" in this process, and claims 10-14 describe the use of "telephone lines" as a type of "telecommunications lines" in the invention disclosed in Claim 4. Claims 26 and 27 summarize much of the preceding claims, and disclose a "means or mechanism for the first party to charge a fee to the second party remote from the second party location."" See Magistrate Judge's Report and Recommendation at 11 (Feb. 8, 2002).

one skilled in the art to be part of electronic sales.”) (emphasis added).⁴ It was well known within the art that digital audio could be stored on hard disk. Rosch at 226, 228 (“As digital pulses, a voice can be sent over the same cable that the computers for data transfer, and can be stored in the same disk memory system with other files.”; “You’ll want to have at least on hard disk drive...”discussing “Networking Video” using “Video Van Gogh” product).

Further, “electronically coding” was obvious in light of Freeny at Col. 23:42-51 (encipher programs well known in the art); Gallagher at 1:36-38 (“encryption or encoding of data”), 1:50-54 (“data to be encoded/encrypted”), 1:70 (source unit has an “encoder/decoder 13”), 1:83 (the database has an “encoder/decoder 22”), 1:90 (the user unit has a “decoder 33”), and Figs. 1-3, Waters at 82 (“The second is digital audio encryption, which some believe to be the ultimate weapon against theft of service.”); Jared at 165 (“Even inexpensive data-protection programs use exotic encryption methods that may be foolproof. In just a few seconds, you can scramble a file so thoroughly that not even the C.I.A. can read it.”); Kramer at C7 (“Several software firms are including encryption as an option for their spreadsheet or database user. Other developers sell encryption hardware and software to tighten the lid on computer security”).

The “random access memory” was obvious in view of Gallagher at 1:81-84 (database includes a buffer store); Freeny at Fig. 2, 22:12-13 (“the control manufacturing unit 72 may be an Apple III computer); Schwartz at 7:39-41 (“RAM Buffer Module”), 6:40-46 (reading from disk into RAM); Gremillet at Fig. 2 (54B / 54A); 5:11 (“two memory stacks”); 3:42 (“The compression of the sound information can be obtained by writing into a memory and then reading from the memory at the accelerated speed.”). RAM is further described in Ferrarini. Ferrarini at 37 (discussing the purchasing of software over telephone lines, “When your microcomputer buffer is full, the linker routine instructs your computer to record the software on

⁴ The citations to prior art in support of the double patenting analysis are not exhaustive but merely representative of the fact that the differences between the claims of the prior and the subsequent patents would have been obvious to a person skilled in the art. The Requestor cites to the prior art already discussed in this Request for the convenience of the Examiner.

disk.”). Akashi discloses “data to be downloaded to the recording device RAM to be digitally recorded.” Akashi at 2. See also Akashi at 4 (data chosen using control unit and CPU, data downloaded to RAM).

The “remote locations” limitation is found in ‘573 Claim 1. Moreover, Hair admitted that the “remote locations” limitation was inherent, in the course of prosecution. See ‘573 Prosecution History, 6/25/92 Amendment, p. 15 (“the memories are at different locations and by being connected by telecommunication lines have to be remote.”) Moreover, this limitation was obvious in view of Gallagher at 2:92-93 (“home-buying”, “immediate access”); Freeny at Fig. 1, 5:45-47 (information machine at location remote from point of sale location); Akashi at 4 (user is at home); Schwartz at 10:25 (“transmitted for playback at the remote location”).

Claim 2

Claim 2 of the ‘734 patent is invalid for double patenting in light of claims 3 and 6 of the ‘573 Patent.

Claim 2 of the ‘734 patent reads as follows:

A method as described in claim 1 wherein there is **a second party integrated circuit** which controls and executes commands of the second party, and **a second party control panel** connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the **first party hard disk**.

Claim 3 of the ‘573 patent reads as follows:

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. → 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.

Claim 6 of the '573 patent is identical to claim 3 except that includes video instead of audio.

The only differences between claim 2 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct. First, the "second party control integrated circuit" was obvious in view of Gremillet at 5:27 ("control circuit 60"); Fig 2 ("Control CCT 60"); Gallagher at 1:19-22 (user unit with means to store/recall/process data), 1:49-50 ("sale to the general public via their user units."); Freeny at Figs. 1, 3, 22:12-13 (unit may be an Apple III computer); Akashi at 2 (personal computer), 3 ("Automated Music Purchasing System"), 4 ("CPU"), Fig.1; Schwartz at 7:5-10 ("Very Large Scale Integrated Circuit (VLSIs) technology"), 10:20-25 (recording and playback functions can be integrated). Moreover, it was inherent in the '573 teaching of electronic sales. '734 Prosecution History, 1/3/94 Hair Decl., p. 3-4 ("Furthermore, the 'second party' must have a 'receiver' (the control IC of the user in figure 1) in his 'possession' in order to receive the music electronically from the hard disk of the agent over the telecommunications lines, such as telephone lines.") (emphasis added).

Further, the "second party control panel" was obvious in view of Gallagher at 1:19-22 (user unit with means to communicate with database and recall/process data received from database); Freeny at Figs.1, 3, 22:29-30 (unit may be an Apple III computer); Akashi at 4 (using monitor screen to choose desired data with control unit), 5 (monitor and control unit), Fig.1, Schwartz at Fig. 5. Moreover, it would have been obvious to have a second party control panel, because Hair's claimed invention as described in the original '573 specification was an "advanced stereo system." '573 Prosecution History, Original Patent Application Filing at p.6. It is well known that a stereo system must have a control panel in order to accept user commands (for example to "play" music).

See claim 1 above, re: first party hard disk.

Claim 3

Claim 3 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent.

Claim 3 of the '734 patent reads as follows:

A method as described in claim 2 wherein the second memory includes an incoming **random access memory** chip which temporarily stores the **coded** desired digital video or digital audio signals from the sales random access memory chip, a **second party hard disk** for storing the coded desired digital video or audio digital signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from **the first party hard disk** for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to **play the desired digital video or digital audio signals** from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.

The only differences between claim 3 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 above re: random access memory, first party hard disk and encoding of signals.

Also, it was well known within the art that digital audio could be stored on a user's hard disk (second party hard disk). See e.g., Gallagher at 1:32-35 ("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 medium."); Schwartz Fig. 1 (showing digital audio data going from hard disk to RAM Buffer to "Player Module"); 6:40-42 ("In the retrieve mode, or playback, the Disk Read/Write Module first reads the Waveform Catalog from the disk into RAM"); Rosch at 226, 228 ("As digital pulses, a voice can be sent over the same cable that the computers for data transfer, and can be stored in the same disk memory system with other files."; "You'll want to

have at least on hard disk drive..."discussing "Networking Video" using "Video Van Gogh" product).

Finally, the step of "playing" the signals through speakers was obvious in view of Freeny at Fig. 1, 3, 22:29-30 (unit may be an Apple III computer); Akashi at 1 (personal computer), 4 ("purchase desired music from home"); Gallagher at Abstract, p. 1 ("user unit includes playback apparatus."), 1:87-92 (apparatus for audio/visual reproduction); Schwartz at 10:20-25 (playback functions); Gremillet at Fig. 1 ("Sound Restoration" 25). Moreover, in Hair's description of the invention, he admits that speakers were well-known where he states that "the following components are already commercially available: ...the Stereo Speakers 80." '573 Patent, 4:16-20.

Claim 4

Claim 4 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 4 of the '734 patent reads as follows:

A system for transferring digital video or digital audio signals comprising: a **first party control unit** having a **first party hard disk** having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales **random access memory** chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and **means for electronically selling** the desired digital video or digital audio signals; a **second party control unit** having a **second party control panel**, a second memory connected to the second party control panel, and **means for playing** the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.

Claim 2 of the '573 patent reads as follows:

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 5 of the '573 patent is identical except that it includes video.

The only differences between claim 4 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

First, the "first party control unit" was obvious in view of the "first memory with a transmitter in control and possession of the first party," as disclosed in Claim 1 of the '573 Patent. In order to exercise the "control" disclosed, some means for control would have to exist. This means taken with the transmitter and the memory established a "control unit." Moreover, the limitation is obvious in view of Gallagher at 1:19-22 (unit having means for "storing/recalling" data), 1:49-50 ("sale to the general public via their user units."); Akashi at 2 (recording device in personal computer), Fig. 1, Freeny at Fig. 1, Col. 7:53-62 ("the information file unit 28 [of the information control unit 12]); Schwartz at Col. 10:20-25 (record format disclosed could be used with a computer).

See claim 1 re: first party hard disk and RAM.

See claim 2 re: second party control panel.

See claim 3 re: playback means / speakers.

Plus, the "second party control unit" was obvious in view of Gallagher at 1:19-22 (user unit with means to communicate with database and recall/process data received from database); Freeny at Figs. 1, 3, 22:29-30 (unit may be an Apple III computer); Akashi at 4 (using monitor screen to choose desired data with control unit), 5 (monitor and control unit), Fig. 1, Schwartz at Fig. 5. It would have been obvious to have a second party control unit. Hair's claimed invention as described in the original '573 specification was an "advanced stereo system." '573 Prosecution History, Original Patent Application Filing at p.6. It is well known that a stereo system is comprised of hardware units.

The “means for electronically selling” (i.e. electronic sales) limitation was inherent in the original ‘573 disclosure. 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.”); ‘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.”).

Moreover, the means for "transmitting" was obvious in view of Gallagher at 1:49-50 (“sale to the general public via their user units.”), 2:92-93 (“home-buying”, “immediate access”), 1:28-31 (media for data transfer); Freeny at 13:25-36 (communication of data); Akashi at 3 (NCU employed as communication method), Fig.1; Schwartz at 10:20-25 (transmission by modem); Hellman at 5:57- 6:2 (billing user).⁵

The addition of "means" language in the “means for electronically selling” and “means for playing” limitations does not create a patentable distinction. Instead, it merely causes the claim to cover the corresponding structure, material, or acts described in the specification or their equivalents. Because the specification of the ‘573 patent already discloses the same structure as

⁵ As explained above, the ‘440 patent was filed before the ‘734 patent. Nevertheless, the ‘734 patent issued before the ‘440 patent. While the ‘440 patent covers more generic, means-plus-function claims, the ‘734 patent includes more specific claims which disclose the structure involved in the means plus function claims of the ‘440 patent. In *In re Goodman*, 11 F.3d 1046 (Fed. Cir. 1993), the Federal Circuit held that the claims of the earlier filed, but not yet issued application were “generic” to the “species” claims of the earlier issued patent to the same inventor. Accordingly, the Court held that “the generic invention is ‘anticipated’ by the species of the patented invention.” *Id.* As such, all of the “generic” means-plus-function claims of the ‘440 patent are also invalid (due to anticipation) in view of the specific “species” claims of the ‘734 patent.

that disclosed in the '734 specification for electronic sales of music this limitation add nothing new.

Claim 5

Claim 5 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 5 of the '734 patent reads as follows:

A system as described in claim 4 wherein the second memory includes a **second party hard disk** which stores the desired digital video or digital audio signals transferred from the sales **random access memory** chip, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback.

The only differences between claim 5 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

See claim 1: re RAM.

See claim 3 re: second party hard disk.

Claim 6

Claim 6 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 6 of the '734 patent reads as follows:

A system as described in claim 5 wherein the first party control unit includes a **first party control integrated circuit** which controls and executes commands of the first party and is connected to the **first party hard disk**, the first party sales **random access memory**, and the **second party control panel** through the telecommunications lines; and a **first party control panel** through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

The only differences between claim 6 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

First, the "first party control integrated circuit" was obvious in view of Gallagher at 1:19-22 (user unit with means to store/recall/process data), 1:49-50 ("sale to the general public via

their user units.”); Freeny at Figs. 1, 3, 22:12-13 (unit may be an Apple III computer); Akashi at 2 (personal computer), 3 (“Automated Music Purchasing System”), 4 (“CPU”), Fig.1; Schwartz at 7:5-10 (“Very Large Scale Integrated Circuit (VLSIs) technology”), 10:20-25 (recording and playback functions can be integrated).

Secondly, the "first party control panel" was obvious in view of Gallagher at Abstract, p.1 (“user unit includes playback apparatus.”), 1:19-22 (unit with means of communicating or storing or recalling or processing data); Akashi at 3 (recording/reproducing device connected to control unit), Fig. 1; Freeny at 5:21-31 (machine receives and stores information); Schwartz at Figs. 5&6, 10:6-9 (user control pad), 6:23-29 (storage medium can be magnetic disk).

See claim 1 re: first party hard disk and RAM.

See claim 2 re: second party control panel.

Claim 7

Claim 7 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 7 of the '734 patent reads as follows:

A system as described in claim 6 wherein the **second party control unit** includes a **second party control integrated circuit** which controls and executes commands of the second party and is connected to the **second party hard disk**, the playback **random access memory**, and the **first party control integrated circuit** through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a **second party control panel** through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

The only differences between claim 7 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit and second party control panel.

See claim 3 re: second party hard disk.

See claim 4 re: second party control unit.

See claim 6 re: first party control integrated circuit.

Claim 8

Claim 8 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 8 of the '734 patent reads as follows:

A system as described in claim 7 wherein the second memory includes an incoming **random access memory** chip connected to the **second party hard disk** and the **second party control integrated circuit**, and the **first party control unit** through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

The only differences between claim 8 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit.

See claim 3 re: second party hard disk.

See claim 4 re: first party control unit.

Claim 9

Claim 9 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 9 of the '734 patent reads as follows:

A system as described in claim 8 wherein the playing means includes a **video display unit** connected to the playback **random access memory** chip and to the **second party integrated circuit** for displaying the desired digital video or audio signals.

The only differences between claim 9 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

The "video display unit" was obvious in view of Gallagher at 1:87-92 (apparatus for visual reproduction); Rosch at 228 (discussing "Networking Video" using "Video Van Gogh")

product; "The resulting picture ...can be reproduced (in 16 levels of gray, although all 256 levels are stored) on any monitor that uses an appropriate graphics interface board in the ComNet system."); Also Templin at 135 ("[At the] MacWorld Expo in San Francisco...for color output, Moniterm and SuperMac Technologies were showing 19-inch color monitors for the Mac II..."). Fig. 3; Akashi at 2 (TV or computer monitor); Freeny at Fig.1, 3, 22:23-24 (Apple II monitor); Schwartz at Fig. 6. Moreover, in Hair's description of the invention, he admits that video display units were well-known where he states that "the following components are already commercially available: ...the Video Display Unit 70." '573 Patent, 4:16-20.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit.

Claim 10

Claim 10 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. Claim 10 of the '734 patent reads as follows:

A system as described in claim 4 wherein the telecommunications lines include telephone lines.

No difference exists between the claims because claim 3 recites that the "...transferring step includes telephoning..." ('573, 6:32) which would require that telephone lines be included. At the least, the limitation to use telephone lines was obvious in view of Gallagher at 1:28-31 ("The media for data transfer is preferably high speed telephone links by way of modems. However, normal telephone links, fiber optic links, electro-magnetic waves or any other suitable medium may be used."); Ferrarini at 37 (discussing the purchasing of software over telephone lines); Freeny at Figs. 1, 21:57-60, Akashi at 1; Schwartz at 10:20-25. Fig. 6.

Claim 11

Claim 11 of the '734 patent is invalid for double patenting in light of claims 1 and 4 of the '573 patent. Claim 11 of the '734 patent reads as follows:

A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising: a first memory in possession and control of the first party; a second memory in possession and control of the second party, said second memory is at a location remote from said first memory; telecommunications lines; means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory; **means or a mechanism for connecting electronically** via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a **first control unit** in possession and control of the first party, and a **second control unit** in possession and control of the second party, said first control unit comprises a **first control panel, first control integrated circuit** and a sales **random access memory**, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said **second control unit** comprising a **second control panel, a second control integrated circuit**, an incoming random access memory and a playback random access memory, said second control panel, said incoming it random access memory and said playback random access memory in electrical communication with said second control integrated circuit; **means or a mechanism for transmitting** the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and **means or a mechanism for storing** the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.

The only differences between claim 11 of the '734 patent and claims 1 and 4 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control panel and second party control integrated circuit.

See claim 4 re: first and second party control units.

See claim 6 re: first party control panel and control integrated circuit.

The addition of "means or mechanism" language in the "means for connecting electronically" "means or a mechanism for transmitting " and "means or a mechanism for storing" limitations does not create a patentable distinction. Instead, it merely causes the claim to cover the corresponding structure, material, or acts described in the specification or their equivalents. Because the specification of the '573 patent already discloses the same structure as that disclosed in the '734 specification for electronic sales of music these limitations adds nothing new.

Claim 12

Claim 12 of the '734 patent reads as follows:

A system as described in claim 11 wherein the telecommunications lines include telephone lines.

Claim 12 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The analysis for claim 12 is the same as for claim 10.

Claim 13

Claim 13 of the '734 patent reads as follows:

A system as described in claim 12 wherein the first memory comprises a **first hard disk** and the second memory comprises a **second hard disk**.

Claim 13 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 13 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: first party hard disk.

See claim 3 re: second party hard disk.

Claim 14

Claim 14 of the '734 patent reads as follows:

A system as described in claim 13 including a **video display** and **speakers** in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.

Claim 14 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 14 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 9 re: video display.

See claim 3 re: playback means / speakers.

Claim 15

Claim 15 of the '734 patent reads as follows:

A system as described in claim 11 wherein the telecommunications lines include telephone lines.

Claim 15 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The analysis for claim 15 is the same as claim 10.

Claim 16

Claim 16 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 16 of the '734 patent reads as follows:

A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising: a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a **first party hard disk** in which the desired digital video or digital audio signals are stored; a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a **second party hard disk** in which the desired digital video or digital audio

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signals are stored that are received from the first memory and a playback **random access memory** connected to the second party hard disk; telecommunications lines; **means or a mechanism for the first party to charge a fee** to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location; **means or a mechanism for connecting electronically via telecommunications lines** the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a **first control unit** disposed at the first party location and a **second control unit** disposed at the second party location remote from said first control unit, said first control unit comprises a **first control panel, first control integrated circuit**, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a **second control panel, a second control integrated circuit**, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected to said second party hard disk, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said second control integrated circuit; **means or a mechanism for transmitting** the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and **means or a mechanism for storing** the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.

The only differences between claim 16 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

See claim 1 re: first party hard disk and RAM.

See claim 2 re: second party control panel and second party control integrated circuit.

See claim 3 re: second party hard disk.

See claim 4 re: first and second party control units.

See claim 6 re: first party control integrated circuit and control panel.

The addition of "means or mechanism" language in this claim does not create a patentable distinction. Instead, it merely causes the claim to cover the corresponding structure, material, or acts described in the specification or their equivalents. Because the specification of the '573 patent already discloses the same structure as that disclosed in the '734 specification for electronic sales of music these limitations adds nothing new.

Claim 17

Claim 17 of the '734 patent reads as follows:

A system as described in claim 16 wherein the telecommunications lines include telephone lines.

Claim 17 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The analysis for claim 17 is the same as for claim 10.

Claim 18

Claim 18 of the '734 patent reads as follows:

A system as described in claim 17 including a **video display** and **speakers** in electrical communication with said second control integrated circuit.

Claim 18 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The analysis for claim 18 is the same as for claim 14.

Claim 19

Claim 19 of the '734 patent is invalid for double patenting in light of claim 5 of the '573 patent. Claim 19 of the '734 patent reads as follows:

A system for transferring digital video signals comprising: a **first party control unit** in possession and control of a first party; a **second party control unit** in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit; said first party control unit having a first memory having a **plurality of desired individual video selections** as desired digital video signals, said first party control unit which includes a **first party hard disk** having the plurality of digital video signals which include desired digital video signals, and a sales **random access memory** chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and **means or a mechanism for the first party to charge a fee** to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location; a **second party control unit** having a **second party control panel**, a receiver and a **video display** for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip; and telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.

The only differences between claim 19 of the '734 patent and claim 5 of the '573 patent do not make it patentably distinct.

See claim 1 re: first party hard disk and RAM.

See claim 2 re: second party control panel.

See claim 4 re: first and second party control units.

See claim 9 re: video display.

“Individual video selections” were obvious in light of the repeated limitation in the ‘573 claims of “a desired digital video signal.” The use of the singular “a” signifies the existence of individual video selections. See also, ‘734 Prosecution history, 1/3/94 Amendment, p. 37 (discussing antecedent support for individual video selections).

The addition of "means or mechanism" language in this claim does not create a patentable distinction. Instead, it merely causes the claim to cover the corresponding structure, material, or acts described in the specification or their equivalents. Because the specification of the '573 patent already discloses the same structure as that disclosed in the '734 specification for electronic sales of music these limitations adds nothing new.

Claim 20

Claim 20 of the '734 patent reads as follows:

A system as described in claim 19 wherein the telecommunications lines include telephone lines.

Claim 20 of the '734 patent is invalid for double patenting in light of claim 6 of the '573 patent. The analysis for claim 20 is the same as claim 10.

Claim 21

Claim 21 of the '734 patent reads as follows:

A system as described in claim 20 wherein the **second party control unit** includes a **second party hard disk** which stores a plurality of digital video signals, and a playback **random access memory** chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback.

Claim 21 of the '734 patent is invalid for double patenting in light of claim 6 of the '573 patent. The only differences between claim 21 of the '734 patent and claim 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 3 re: second party hard disk.

See claim 4 re: second party control unit.

Claim 22

Claim 22 of the '734 patent reads as follows:

A system as described in claim 21 wherein the **first party control unit** includes a **first party control integrated circuit** which controls and executes commands of the first party and is connected to the **first party hard disk**, the first party sales **random access memory**, and the **second party control integrated circuit** through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a **first party control panel** through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Claim 22 of the '734 patent is invalid for double patenting in light of claim 6 of the '573 patent. The only differences between claim 22 of the '734 patent and claim 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: first party hard disk and RAM.

See claim 2 re: second party control integrated circuit.

See claim 4 re: first party control unit.

See claim 6 re: first party control integrated circuit and control panel.

Claim 23

Claim 23 of the '734 patent reads as follows:

A system as described in claim 22 wherein the **second party control unit** includes a **second party control integrated circuit** which controls and executes commands of the second party and is connected to the **second party hard disk**, the playback **random**

access memory, and the **first party control integrated circuit** through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals; and a **second party control panel** through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Claim 23 of the '734 patent is invalid for double patenting in light of claim 6 of the '573 patent. The only differences between claim 23 of the '734 patent and claim 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit and control panel.

See claim 3 re: second party hard disk.

See claim 4 re: second party control unit.

See claim 6 re: first party control integrated circuit.

Claim 24

Claim 24 of the '734 patent reads as follows:

A system as described in claim 23 wherein the second party control unit includes an incoming **random access memory** chip connected to the **second party hard drive** and the **second party control integrated circuit**, and the **first party control unit** through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.

Claim 24 of the '734 patent is invalid for double patenting in light of claim 6 of the '573 patent. The only differences between claim 24 of the '734 patent and claim 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit.

See claim 3 re: second party hard disk.

See claim 4 re: first party control unit.

Claim 25

Claim 25 of the '734 patent reads as follows:

A system as described in claim 24 wherein the **second party control unit** includes a **video display unit** connected to the playback **random access memory** chip and to the **second party integrated circuit** for displaying the desired digital video signals.

Claim 25 of the '734 patent is invalid for double patenting in light of claim 6 of the '573 patent. The only differences between claim 25 of the '734 patent and claim 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit.

See claim 4 re: second party control unit.

See claim 9 re: video display.

Claim 26

Claim 26 of the '734 patent reads as follows:

A system for transferring digital audio signals comprising: a **first party control unit** in possession and control of a first party, and a **second party control unit** in possession and control of a second party, wherein said second party control unit is at a second party location remote from the first party control unit, said first party control unit for controlling and transferring digital audio signals, said first party control unit having a **first party hard disk** having a plurality of digital audio signals which include a **plurality of desired individual songs** as desired digital audio signals, said first party control unit having a sales **random access memory** chip electronically connected to the first party hard disk for storing a replica of the desired digital audio signals of the first party's hard disk to be transferred from the first party control unit; **means or mechanism for transmitting** the desired digital audio signals from the sales random access memory chip, said means or mechanism for transferring connected to the sales random access memory chip, and said first party control unit having means or a mechanism for the first party to charge a fee to the second party to provide the second party access to the desired digital audio signals of the first party's hard disk, said means or mechanism for the first party to charge a fee to the second party remote from the second party location; said second party control unit having a **second party control panel**, a second memory for storing the desired digital audio signals from the sales random access memory chip, a receiver connected to the second party control panel and **speakers** connected to the receiver for

playing the desired digital audio signals in the second memory, said second party control panel connected to the receiver, said receiver and speakers operatively controlled by the second party control panel, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital audio signals from the first party's hard disk with said second party control panel, said second memory connected to the receiver and the speakers, said second memory storing the desired digital audio signals that are received by the receiver; and telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital audio signals in the sales random access memory are electronically transferred by the means or mechanism for transferring to the receiver while the second party is in possession and control of the second party control unit and after the desired digital audio signals of the first party's hard disk are sold to the second party by the first party with the means or mechanism for the first party to charge a fee.

Claim 26 of the '734 patent is invalid for double patenting in light of claim 2 of the '573 patent. The only differences between claim 26 of the '734 patent and claim 2 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM and first party hard disk.

See claim 2 re: second party control panel.

See claim 3 re: playback means / speakers.

See claim 4 re: first and second party control units.

The "plurality of desired individual songs" was obvious in view of Gremillet at claim 4 ("the information consists of musical works"); Gallagher at 1:5 (recorded data), 1:6-8 (digital data), 1:87-92 (apparatus for audio reproduction), Figs. 2 & 3); Freeny at 1:10-14 (information embodied in material objects), 6:32-37 (data in digital format), Figs. 1, 3); Akashi at 2 (recorded music data transmitted to device installed in personal computer); Schwartz at 10:20-25 (playback facility, playback functions). Moreover it was inherent in Claim 2 of the '573 Patent, as the step of "selecting" a desired digital audio signal presumed the existence of multiple digital audio signals.

The addition of "means or mechanism" language in this claim does not create a patentable distinction. Instead, it merely causes the claim to cover the corresponding structure, material, or acts described in the specification or their equivalents. Because the specification of the '573

patent already discloses the same structure as that disclosed in the '734 specification for electronic sales of music these limitations adds nothing new.

Claim 27

Claim 27 of the '734 patent reads as follows:

A system as described in claim 26 wherein the telecommunications lines include telephone lines.

Claim 27 of the '734 patent is invalid for double patenting in light of claim 3 of the '573 patent. The analysis for claim 27 is the same as for claim 10.

Claim 28

Claim 28 of the '734 patent is invalid for double patenting in light of claims 2 and 5 of the '573 patent. Claim 28 of the '734 patent reads as follows:

A system for transferring digital video or digital audio signals comprising: a **first party control unit** having a **first party hard disk** having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales **random access memory** chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and a **mechanism for electronically selling** the desired digital video or digital audio signals of the first party's hard disk; a **second party control unit** having a **second party control panel**, a second memory connected to the second party control panel, and a **mechanism for playing** the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip to the second memory while the second party is in possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party.

The only differences between claim 28 of the '734 patent and claims 2 and 5 of the '573 patent do not make it patentably distinct.

See claim 1 re: first party hard disk and RAM.

See claim 2 re: second party control panel.

See claim 3 re: playback means / speakers.

See claim 4 re: electronic sales and first and second party control units.

Claim 29

Claim 29 of the '734 patent reads as follows:

A system as described in claim 28 wherein the telecommunications lines include telephone lines.

Claim 29 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The analysis for claim 29 is the same as for claim 10.

Claim 30

Claim 30 of the '734 patent reads as follows:

A system as described in claim 29 wherein the **second party control unit** includes a **second party hard disk** which stores a plurality of digital video or audio signals, and a playback **random access memory** chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback.

Claim 30 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 30 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 3 re: second party hard disk.

See claim 4 re: second party control unit.

Claim 31

Claim 31 of the '734 patent reads as follows:

A system as described in claim 30 wherein the **first party control unit** includes a **first party control integrated circuit** which controls and executes commands of the first party and is connected to the **first party hard disk**, the first party sales **random access memory**, and the **second party control integrated circuit** through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a **first party control panel** through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Claim 31 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 31 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM and first party hard disk.

See claim 2 re: second party control integrated circuit.

See claim 4 re: first party control unit.

See claim 6 re: first party control panel.

Claim 32

Claim 32 of the '734 patent reads as follows:

A system as described in claim 31 wherein the **second party control unit** includes a **second party control integrated circuit** which controls and executes commands of the second party and is connected to the **second party hard disk**, the playback **random access memory**, and the **first party control integrated circuit** through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a **second party control panel** through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party control integrated circuit.

Claim 32 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 32 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control panel and integrated circuit.

See claim 3 re: second party hard disk.

See claim 4 re: second party control unit.

See claim 6 re: first party control integrated circuit.

Claim 33

Claim 33 of the '734 patent reads as follows:

A system as described in claim 32 wherein the **second party control unit** includes an incoming **random access memory** chip connected to the **second party hard drive** and the **second party control integrated circuit**, and the **first party control unit** through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

Claim 33 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 33 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit.

See claim 3 re: second party hard disk.

See claim 4 re: first and second party control units.

Claim 34

Claim 34 of the '734 patent reads as follows:

A system as described in claim 33 wherein the **second party control unit** includes a **video display unit** connected to the playback **random access memory** chip and to the **second party integrated circuit** for displaying the desired digital video or audio signals.

Claim 34 of the '734 patent is invalid for double patenting in light of claims 3 and 6 of the '573 patent. The only differences between claim 34 of the '734 patent and claims 3 and 6 of the '573 patent do not make it patentably distinct.

See claim 1 re: RAM.

See claim 2 re: second party control integrated circuit.

See claim 4 re: second party control unit.

See claim 9 re: video display.

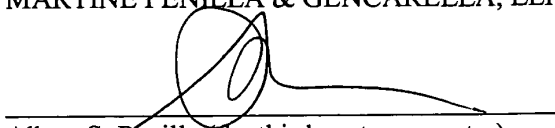
IX. CONCLUSION

The prior art documents referred to above were not of record (except Freeny) in the file of the Hair '734 patent. Since the claims in the Hair patent are not patentable over these prior art documents, a substantial new question of patentability is raised. Further, these prior art documents are closer to the subject matter of Hair than any prior art which was 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. Additionally, under double patenting, none of the limitations of the claims of the '734 patent are patentably distinct over the claims of the '573 patent, and all of them would have been obvious to the person of ordinary skill in the art, in 1988.

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 34 be rejected over the prior art for the reasons specified above.

Dated: January 31, 2005

Respectfully submitted,
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US005675734A

United States Patent [19]
Hair

[11] **Patent Number:** **5,675,734**
[45] **Date of Patent:** **Oct. 7, 1997**

[54] **SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS**
[75] **Inventor:** Arthur R. Hair, Pittsburgh, Pa.
[73] **Assignee:** Parsec Sight/Sound, Inc., Upper St. Clair, Pa.

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[21] **Appl. No.:** 607,648
[22] **Filed:** Feb. 27, 1996

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

[57] **ABSTRACT**

Related U.S. Application Data

[63] Continuation of Ser. No. 23,398, Feb. 26, 1993, abandoned, which is a continuation of Ser. No. 586,391, Sep. 18, 1990, Pat. No. 5,191,573, which is a continuation of Ser. No. 206,497, Jun. 13, 1988, abandoned.

A method for transferring desired digital video or digital audio signals. The method comprises the steps of 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 has the desired digital video or digital audio signals. Then, there is the step of selling electronically by the first party to the second party through telecommunications lines, the desired digital video or digital audio signals in the first memory. Then, there is the step of transferring the desired digital video or digital audio signals from the first memory of the first party to the second memory of the second party through the telecommunications lines while the second memory is in possession and control of the second party. Additionally, there is a system for transferring digital video or digital audio signals.

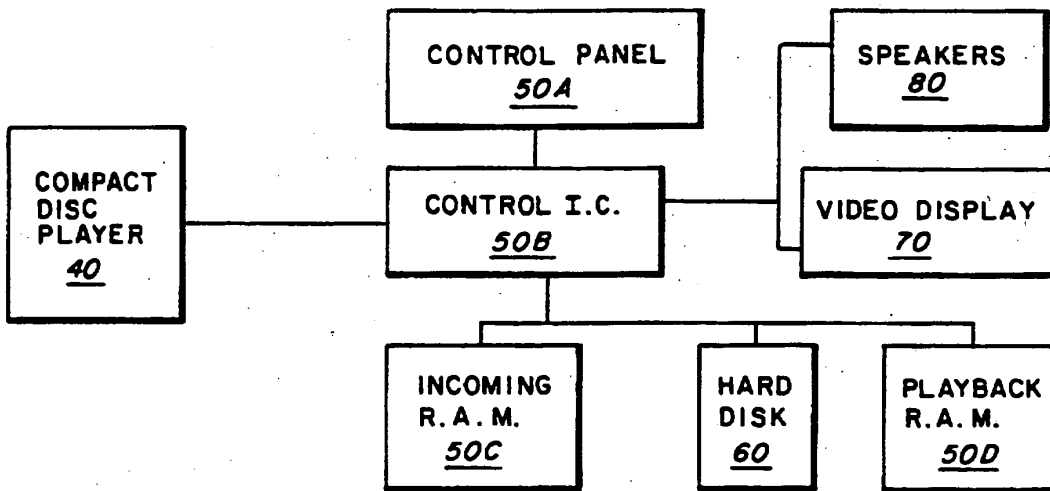
[51] **Int. Cl.⁶** H01J 13/00; H04L 9/00
[52] **U.S. Cl.** 395/200.01; 380/4; 380/43
[58] **Field of Search** 395/200.1; 235/381, 235/380, 375; 364/479.04, 410; 369/33, 34, 84, 85; 380/4, 43; 379/77; 360/55

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34 Claims, 2 Drawing Sheets



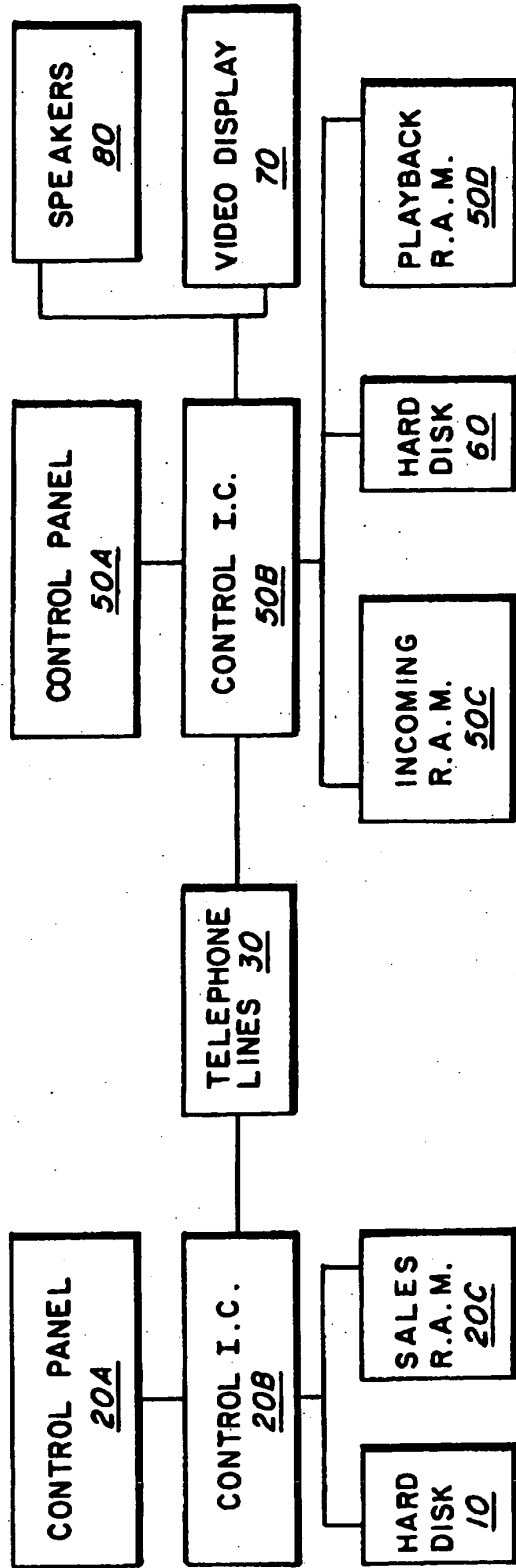


FIG. 1

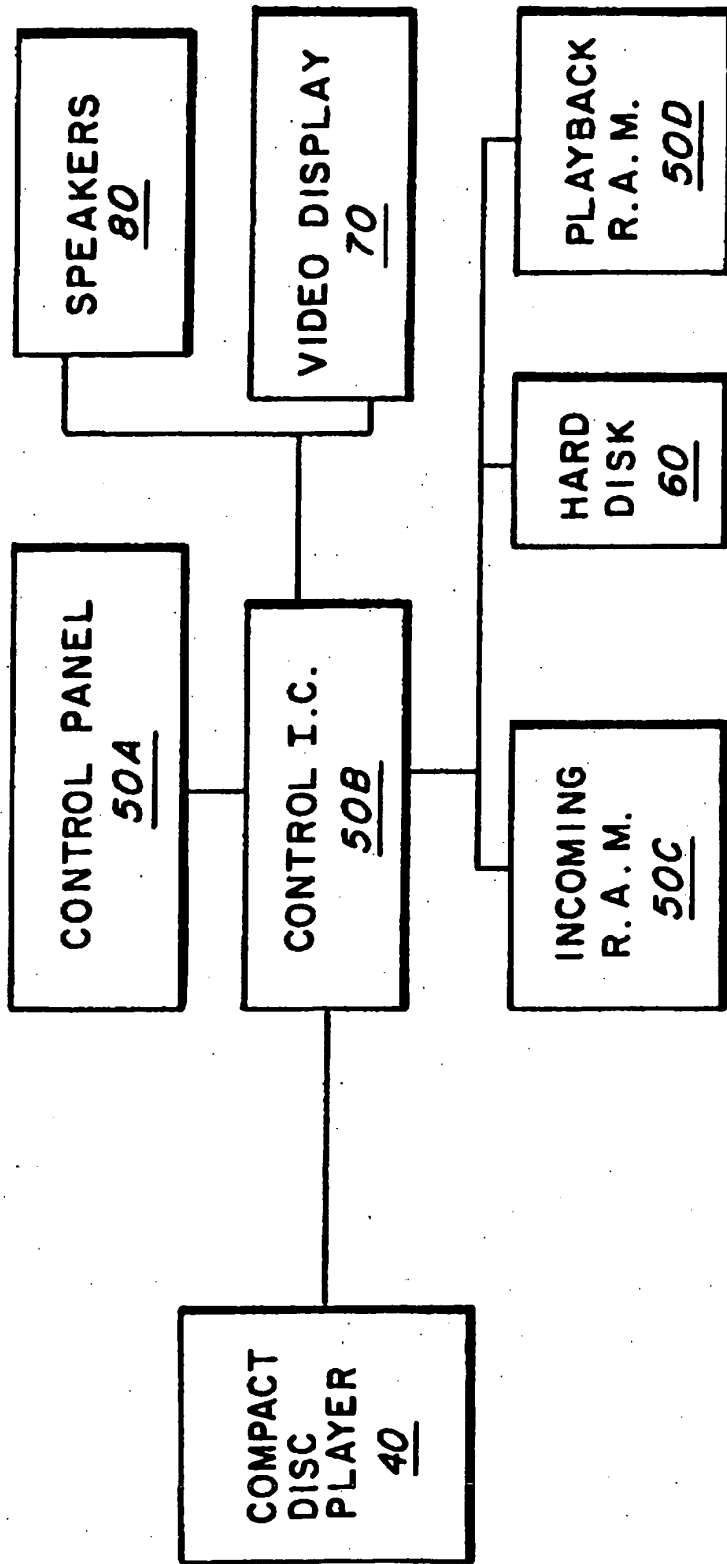


FIG. 2

SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS

CROSS REFERENCE TO OTHER PATENTS

This application is a continuation of application Ser. No. 08/023,398 filed on Feb. 26, 1993, now abandoned which is a continuation application of U.S. patent application Ser. No. 07/586,391 filed Sep. 18, 1990, now U.S. Pat. No. 5,191,573, issued Mar. 2, 1993, which is a continuation application of U.S. patent application Ser. No. 07/206,497, filed Jun. 13, 1988, abandoned.

FIELD OF THE INVENTION

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

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.

Thus, as is apparent from the above discussion, the inflexible form in which the songs are purchased by an end user, and the distribution channels of the songs, requires the end user to go to a location to purchase the songs, and not necessarily be able to purchase only the songs desired to be heard, in a sequence the end user would like to hear them. This is not limited to just songs, but also includes, for example, videos.

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 or digital video.

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

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 or digital video 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 or digital video.

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 mate-

rials. 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 system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to preferably a second memory of a second party. The system comprises means or mechanism for electronically selling the desired digital video or digital audio signals preferably via telecommunications lines to the first party from the second party. Moreover, the system preferably comprises means or mechanism for connecting electronically via telecommunications lines the first memory preferably with the second memory such that the desired digital video or digital audio signals can pass therebetween. Additionally, the system comprises means or mechanism for transmitting the desired digital video or digital audio signals from the first memory with a transmitter in control and in possession of the first party to a receiver preferably having the second memory while the receiver is in possession and in control of the second party. The receiver is placed at a second party location determined by the second party. Preferably, there is also means or mechanism for storing the digital video or digital audio 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 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 drawings wherein like reference numerals refer to similar or identical parts throughout the several views, and more specifically to figure thereof, there is shown

Referring now to the FIG. 1, this invention preferably 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 first party or 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 or second party's Control Unit 50 is possible. The user's Control Unit is 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 has 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, only requires 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 desired digital video or digital audio signals stored on a first memory of a first party preferably to a second memory of a second party. The method comprises the steps of transferring money via telecommunications lines to the first party from the second party or electronically selling to the second party by the first party. Additionally, the method comprises the step of then connecting electronically via telecommunications lines the first memory preferably with the second memory such that the desired digital video or digital audio signals can pass therebetween. Next, there is the step of transmitting the desired digital video or digital audio signals from the first memory with a transmitter in control and in possession of the first party to a receiver preferably having the second memory while the receiver is in possession and in control of the second party. The receiver is placed by the second party at a second party location determined by the second party. Preferably is also the step of then storing the desired digital video or digital audio signals in the second memory.

In summary, there has been disclosed a new and improved methodology/system by which Digital Audio Music or digital video can be electronically sold, distributed, transferred, and stored. Further, there has been disclosed a new and improved methodology/system by which Digital Audio Music or digital video 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.

For instance, the present invention is a system 100 for transferring digital video signals from a first party to a second party. The system 100 comprises a first party control unit 20 having a first memory having a plurality of desired individual video selections as desired digital video signals. The first party control unit 20 also has means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals. The system 100 also comprises a second party control unit 50 having a second party control panel 50a, a receiver and a video display for playing the desired digital video or digital audio signals received by the receiver. The second party control panel 50a is connected to the video display and the receiver. The receiver and the video display is operatively controlled by the second party control panel 50a. The second party control unit 50 is remote from the first party control unit 20. The second party control unit 50 is placed by the second party at a second party location determined by the second party which is remote from the first party control unit 20. The second party chooses the desired digital video signals from the first memory with the second party control panel 20a. The system 100 is also comprised of telecommunications lines connected to the first party control unit 20 and the second party control unit 50 through which the desired digital video signals are electronically transferred from the first memory to the receiver while the second party control unit 50 is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.

Preferably, the second party control unit 50 includes a second memory which is connected to the receiver and the video display. The second memory stores the digital video signals that are received by the receiver for providing them to the video display. The second party control unit 50 preferably includes a second party hard disk 60 which stores a plurality of digital video signals, and a playback random access memory chip 50d electronically connected to the second party hard disk 60 for storing a replica of the desired digital video signals as a temporary staging area for playback. The second party control unit 50 includes a second party control integrated circuit 50b which controls and executes commands of the second party and is connected to the second party hard disk 60, the playback random access memory 50d, and the first party control integrated circuit 20b through the telecommunications lines. The second party control integrated circuit 50b preferably includes the receiver. Additionally, the second party control unit 50 includes a second party control panel 20a through which the second party control integrated circuit 20b is programmed and is sent commands and which is connected to the second party integrated circuit 50b. Preferably, the second party

control unit 50 includes an incoming random access memory chip 50c connected to the second party hard disk 60 and the second party control integrated circuit 50b, and the first party control unit 20 through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit 20 for subsequent storage to the second party hard disk 60. Preferably, the video display includes a video display unit connected to the playback random access memory chip 50c and to the second party integrated circuit 50b for displaying the desired digital video signals.

The first party control unit 20 preferably includes a first party hard disk 10 having a plurality of digital video signals which include the desired digital video signals, and a sales random access memory chip 20c electronically connected to the first party hard disk 10 for storing a replica of the desired digital video signals of the first party's hard disk 10. The first party control unit 20 preferably includes a first party control integrated circuit 20b which controls and executes commands of the first party and is connected to the first party hard disk 10, the first party sales random access memory 20c, and the second party control integrated circuit 20b through the telecommunications lines. The first party control integrated circuit 20b and the second party control integrated circuit 50b regulate the transfer of the desired digital video signals. The first party control unit 20 preferably also includes a first party control panel 20a through which the first party control integrated circuit 20b is programmed and is sent commands and which is connected to the first party control integrated circuit 20b.

The means or mechanism for charging a fee includes means or a mechanism for charging a fee via telecommunications lines by the first party to the second party at a location remote from the second party location. Preferably, the second party has an account and the means or mechanism for charging a fee includes means or a mechanism for charging the account of the second party. Preferably, the means or mechanism for charging the account includes means or a mechanism for charging a credit card number of the second party. Preferably, the means or mechanism for electronically selling includes means or a mechanism for electronically selling includes means or a mechanism for charging a fee via telecommunications lines by the first party to the second party at a first party location remote from the second party location. Preferably, the second party has an account and the means or mechanism for charging a fee includes means or a mechanism for charging the account of the second party. Preferably, the means or mechanism for receiving a credit card number of the second party. The means or mechanism for receiving a credit card number preferably is part of the control integrated circuit 20b. The telecommunications lines are preferably telephone lines 30.

The present invention also pertains to a method for transmitting desired digital video signals stored in a first memory having a plurality of individual video selections as digital video signals of a first party at a first party location to a second party at a second party location so the second party can view the desired digital video signals. The method comprises the steps of placing by the second party a receiver, and a video display connected to the receiver at the second party location determined by the second party which is remote from the first party location. Next, there is the step of charging a fee by the first party to the second party at a location remote from the second party location so the second party can obtain access to the desired digital video signals. Then, there is the step of connecting electronically via

telecommunications lines the first memory with a receiver of the second party while the receiver is in possession and control of the second party. Next, there is the step of choosing the desired digital video signals by the second party from the first memory of the first party so desired digital video selections are selected. Next, there is the step of transmitting the desired digital video signals from the first memory with a transmitter in control and possession of the first party to the receiver of the second party while the receiver is in possession and control of the second party at the second party location determined by the second party. Next, there is the step of displaying the desired video signals received by the receiver on a video display in possession and control of the second party. The video display is connected with the receiver.

Preferably, the step of charging a fee includes the step of charging a fee via telecommunications lines by the first party to the second party so the second party can obtain access to the desired digital video signals stored on the first memory. Preferably, the second party has an account and the step of charging a fee includes the step of charging the account of the second party. Preferably, the step of charging the account of the second party includes the steps of telephoning the first party controlling use of the first memory by the second party. Then, there is 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. Preferably, the means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically via telecommunications lines to the first party at a location remote from the second memory at the second party location.

Although the invention has been described in detail in the foregoing embodiments for the purpose of illustration, it is to be understood that such detail is solely for that purpose and that variations can be made therein by those skilled in the art without departing from the spirit and scope of the invention except as it may be described by the following claims.

What is claimed is:

1. A method for transferring desired digital video or digital audio signals comprising the steps of:
 - forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party; 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;
 - electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;
 - storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip;

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transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and

storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.

2. A method as described in claim 1 wherein there is a second party integrated circuit which controls and executes commands of the second party, and a second party control panel connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk.

3. A method as described in claim 2 wherein the second memory includes an incoming random access memory chip which temporarily stores the coded desired digital video or digital audio signals from the sales random access memory chip, a second party hard disk for storing the coded desired digital video or audio digital signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the first party hard disk for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.

4. A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the

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desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.

5. A system as described in claim 4 wherein the second memory includes a second party hard disk which stores the desired digital video or digital audio signals transferred from the sales random access memory chip, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback.

6. A system as described in claim 5 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

7. A system as described in claim 6 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

8. A system as described in claim 7 wherein the second memory includes an incoming random access memory chip connected to the second party hard disk and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

9. A system as described in claim 8 wherein the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

10. A system as described in claim 4 wherein the telecommunications lines include telephone lines.

11. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:

a first memory in possession and control of the first party;

a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;

telecommunications lines;

means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory;

means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or

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digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.

12. A system as described in claim 11 wherein the telecommunications lines include telephone lines.

13. A system as described in claim 12 wherein the first memory comprises a first hard disk and the second memory comprises a second hard disk.

14. A system as described in claim 13 including a video display and speakers in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.

15. A system as described in claim 11 wherein the telecommunications lines include telephone lines.

16. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising:

a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored;

a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a second party hard disk in which the desired digital video or digital audio signals are stored that are received from the first memory and a playback random access memory connected to the second party hard disk;

telecommunications lines;

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means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location;

means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected to said second party hard disk, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.

17. A system as described in claim 16 wherein the telecommunications lines include telephone lines.

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18. A system as described in claim 17 including a video display and speakers in electrical communication with said second control integrated circuit.

19. A system for transferring digital video signals comprising:

a first party control unit in possession and control of a first party;

a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit;

said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location;

a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip; and telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.

20. A system as described in claim 19 wherein the telecommunications lines include telephone lines.

21. A system as described in claim 20 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback.

22. A system as described in claim 21 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications

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lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

23. A system as described in claim 22 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

24. A system as described in claim 23 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.

25. A system as described in claim 24 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video signals.

26. A system for transferring digital audio signals comprising:

a first party control unit in possession and control of a first party, and a second party control unit in possession and control of a second party, wherein said second party control unit is at a second party location remote from the first party control unit, said first party control unit for controlling and transferring digital audio signals, said first party control unit having a first party hard disk having a plurality of digital audio signals which include a plurality of desired individual songs as desired digital audio signals, said first party control unit having a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital audio signals of the first party's hard disk to be transferred from the first party control unit; means or mechanism for transmitting the desired digital audio signals from the sales random access memory chip, said means or mechanism for transferring connected to the sales random access memory chip, and said first party control unit having means or a mechanism for the first party to charge a fee to the second party to provide the second party access to the desired digital audio signals of the first party's hard disk, said means or mechanism for the first party to charge a fee to the second party remote from the second party location;

said second party control unit having a second party control panel, a second memory for storing the desired digital audio signals from the sales random access memory chip, a receiver connected to the second party control panel and speakers connected to the receiver for playing the desired digital audio signals in the second memory, said second party control panel connected to the receiver, said receiver and speakers operatively controlled by the second party control panel, said

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second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital audio signals from the first party's hard disk with said second party control panel, said second memory connected to the receiver and the speakers, said second memory storing the desired digital audio signals that are received by the receiver; and

telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital audio signals in the sales random access memory are electronically transferred by the means or mechanism for transferring to the receiver while the second party is in possession and control of the second party control unit and after the desired digital audio signals of the first party's hard disk are sold to the second party by the first party with the means or mechanism for the first party to charge a fee.

27. A system as described in claim 26 wherein the telecommunications lines include telephone lines.

28. A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip

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to the second memory while the second party is in possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party.

29. A system as described in claim 28 wherein the telecommunications lines include telephone lines.

30. A system as described in claim 29 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video or audio signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback.

31. A system as described in claim 30 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

32. A system as described in claim 31 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

33. A system as described in claim 32 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

34. A system as described in claim 33 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

* * * * *

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP002	U.S. Patent No. 5,675,734
	Applicant: Arthur R. Hair	Issue Date: October 7, 1997	Group:

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
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	B	4,528,643	7/1985	Freeny, Jr.		
	C	4,636,876	1/1987	Schwartz		
	D	4,658,093	4/1987	Hellman		
	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	D. Waters, "Prospects for Standardization in Cable Audio," <i>Technical Papers--NCTA Annual Convention</i> , 1984, pp. 82-84.
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.

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP002	U.S. Patent No. 5,675,734
	Applicant: Arthur R. Hair Issue Date: October 7, 1997	Group:

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
	A					
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					

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							
	M							
	N							
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	Q-1	J. Taylor, "The Copy-Protection Wars," <i>PC Magazine</i> , vol. 5, No. 1, January 14, 1986, pp. 165-167 (electronic version of original consisting of 14 pages being submitted).
	R-1	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).
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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.

⑨ 日本国特許庁(JP)

⑩ 特許出願公開

⑫ 公開特許公報(A)

昭62-284496

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G 07 F 17/00

識別記号

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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手順などが考案される。

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が処理され、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→電話機9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

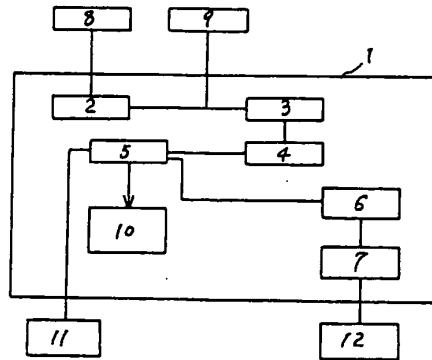
第1図は、この発明のレコード音楽の自動販売システムに使用される録音再生装置の実施例を示す

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。

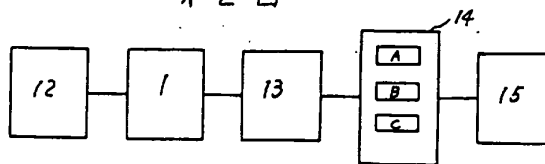
- 1…録音再生装置 2…NCU 3…モデム
- 4…通信LSI 5…CPU
- 6…出力フレームバッファ
- 7…映像信号発生装置 8…電話線
- 9…電話機 10…光ディスク録音再生装置
- 11…コントロールユニット 12…モニター
- 13…通信回線網 14…ホストコンピュータ
- 15…レコード会社

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
G 07 F 17/00		7347-3E

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 recoded 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

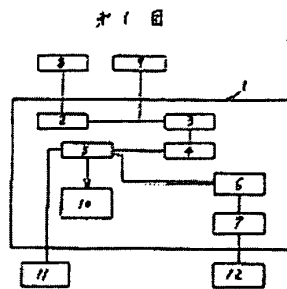
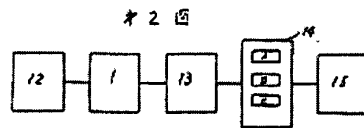


Figure 2



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H04H 1/00 H04L 27/10

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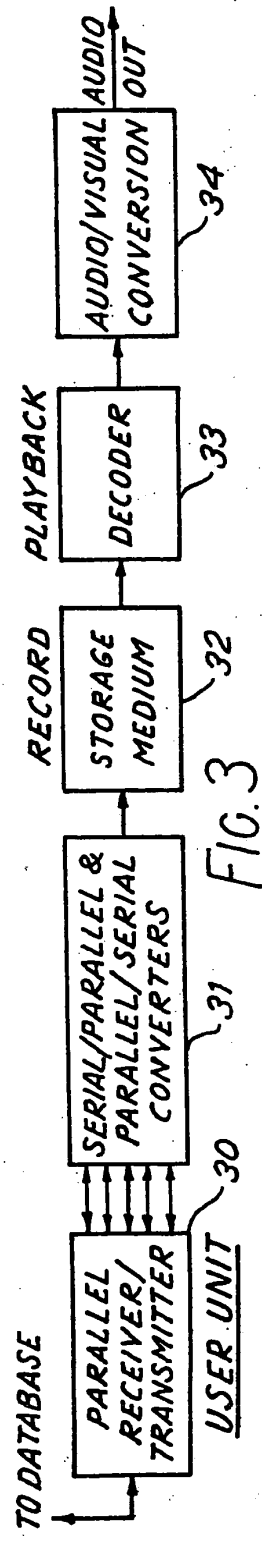
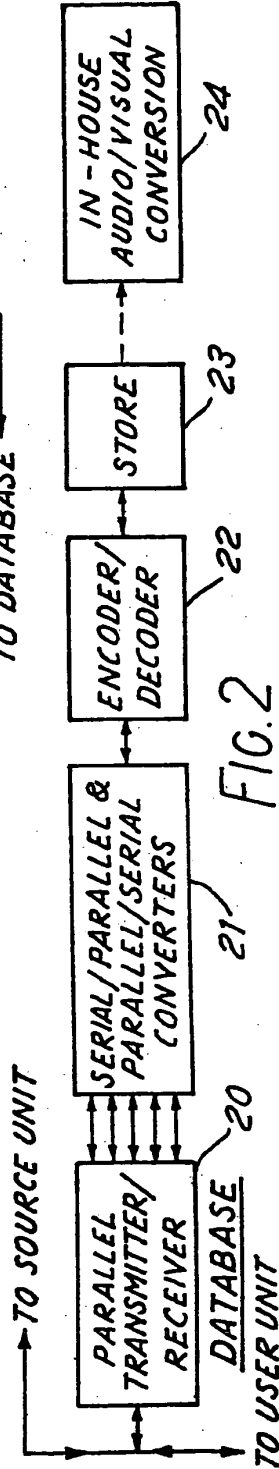
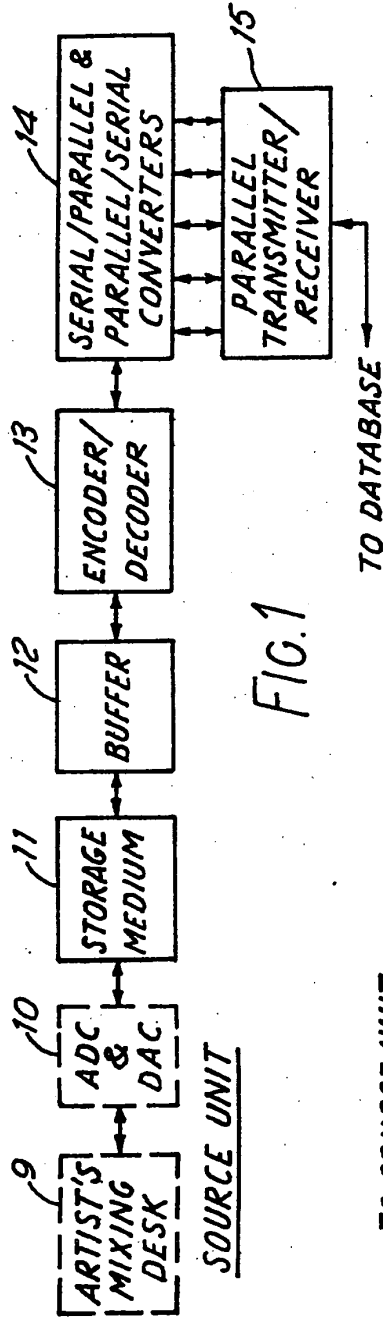
(54) Recorded data transfer system

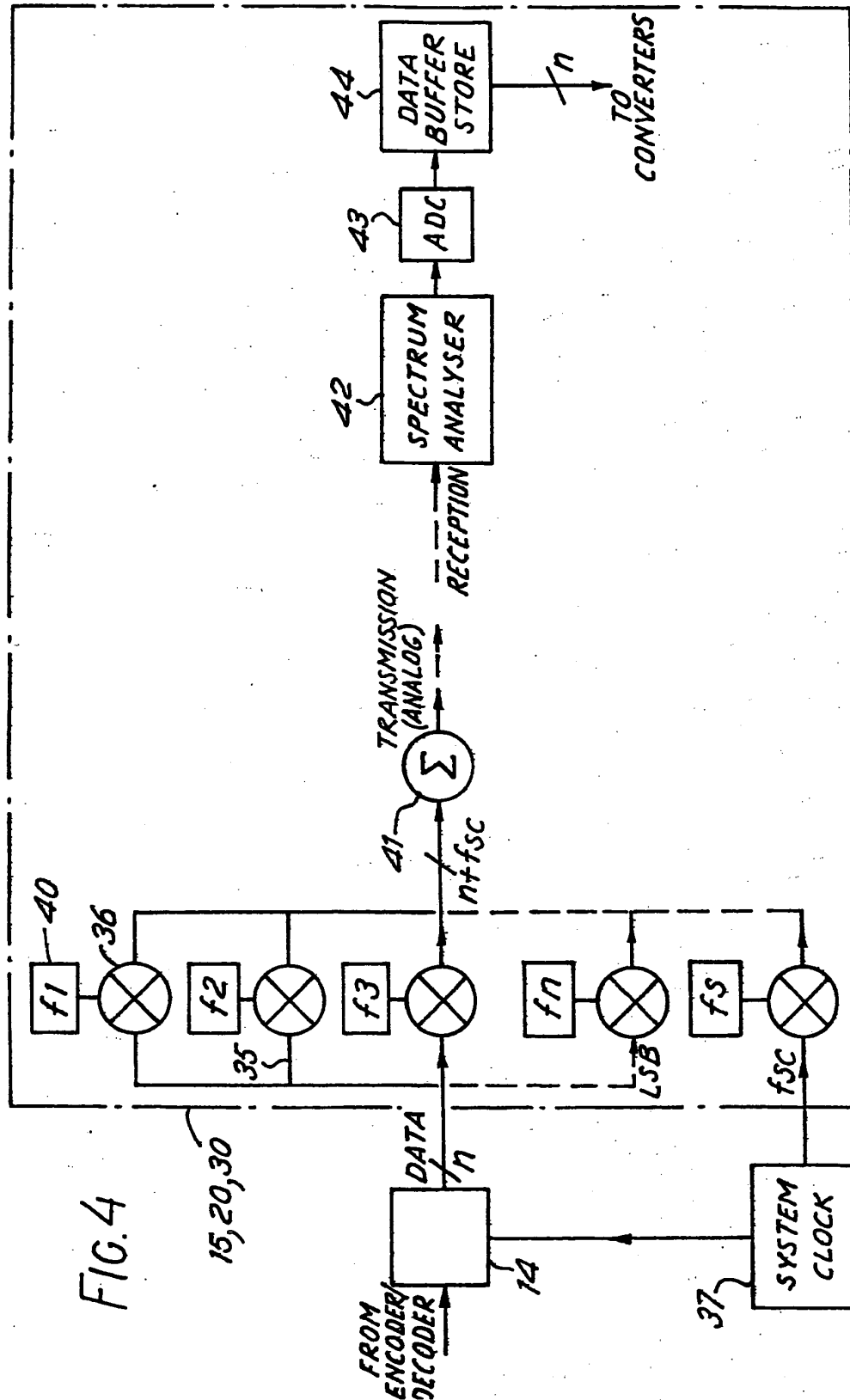
(57) A recorded data transfer system is provided particularly for use in the entertainment industry whereby digital data may be transferred between a source unit, a database which may be housed by a record company and user units.

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.





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 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 necessary for sale to the general public via their user
45 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 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
80 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 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 actuated between the storage medium and conversion thus eliminating the possibility of material being usefully borrowed or copied.

100 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 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 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 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 $\frac{3000 - 200}{16} = 175\text{Hz}$ i.e. the frequency used to represent the L.S.B. + 1 would be $200 + 175 = 375\text{ Hz}$ 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.
 - 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;
 - 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.
 - 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.



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Bib Data Sheet

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** CONTINUING DATA *****
This application is a REX of 08/607,648 02/27/1996 PAT 5,675,734
which is a CON of 08/023,398 02/26/1993 ABN
which is a CON 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 *****

Table with 5 columns: Foreign Priority claimed (yes/no), 35 USC 119 (a-d) conditions met (yes/no/Met after Allowance), STATE OR COUNTRY, SHEETS DRAWING, TOTAL CLAIMS (34), INDEPENDENT CLAIMS (7)

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TITLE
SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS


Table with 2 columns: FILING FEE RECEIVED (2520) and FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: (checkboxes for All Fees, 1.16 Fees, 1.17 Fees, 1.18 Fees, Other, Credit)


 Reexamination 	Control No.	Applicant(s)
	90/007403	5675734
	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. 90/007,403	Applicant(s) 5675734	
	Examiner	Art Unit 3625	

Issue Classification 	Application No. 90/007,403	Applicant(s) 5675734	
	Examiner	Art Unit 3625	

ORIGINAL				CROSS REFERENCE(S)			
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
705	026						
INTERNATIONAL CLASSIFICATION							
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(Assistant Examiner) (Date)		Total Claims Allowed:	
(Legal Instruments Examiner) (Date)	(Primary Examiner) (Date)	O.G. Print Claim(s)	O.G. Print Fig.

<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			
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Search Notes



Application No.

90/007,403

Examiner

Applicant(s)

5675734

Art Unit

3625

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR

Index of Claims



Application No.

90/007,403

Examiner

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5675734

Art Unit

3625

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
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Pub Dt:

Inventor: ARTHUR R. HAIR

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Assignment: 1

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Assignor: PARSEC SIGHT/SOUND, INC.

Exec Dt: 04/26/2000

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Search Results as of: 2/25/2005 5:05:41 P.M.


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REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,403	01/31/2005	5675734

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

CONFIRMATION NO. 3002


OC000000015285567

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
 201 N. Craig Street Suite 304
 Pittsburgh, PA 15213

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REEXAM CONTROL NUMBER	FILING OR 371 (c) DATE	PATENT NUMBER
90/007,403	01/31/2005	5675734

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

CONFIRMATION NO. 3002
REEXAM ASSIGNMENT NOTICE



OC000000015285568

Date Mailed: 02/28/2005

NOTICE OF ASSIGNMENT OF REEXAMINATION REQUEST

The above-identified request for reexamination has been assigned to Art Unit 3625. All future correspondence to the proceeding should be identified by the control number listed above and directed to the assigned Art Unit.

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Albert S. Penilla
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710 Lakeway Drive Suite 200
Sunnyvale, CA 94085

M. A. Switty
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STIC Search Report

EIC 3600

STIC Database Tracking Number: 146861

To: Diane Goodwyn

Location:

Art Unit : 3604

Friday, March 04, 2005

Case Serial Number: 90/007403

From: Karen Lehman

Location: EIC 3600

PK5-Suite 804

Phone: 306-5783

karen.lehman@uspto.gov

Search Notes

Litigation search for patent no 5675734



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5,675734

LEVEL 1 - 1 OF 1 PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5675734

<=1> GET 1st DRAWING SHEET OF 2

October 7, 1997

System for transmitting desired digital video or audio signals

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

APPL-NO: 607648 (08)

5675734 OR 5,675,734

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5675734 OR 5,675,734

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LEVEL 1 - 1 OF 2 CASES

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.

CORE TERMS: patent, digital, signal, invention, music, summary judgment, license, audio, sightsound, consumer ...

OPINION:

... [*3] 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.

2003 U.S. Dist. LEXIS 25503, *4

("Parsec.") He also assigned to Parsec two other patents, No. 5,675,734 , issued on October 7, 1997 ("the '734 Patent"), and No. 5,966,440, issued on October 12, 1999 ("the '440 Patent"). The '734 and '440 Patents are claimed to be continuations of '573 Patent. (Amended Complaint, Docket No. ...

LEVEL 1 - 2 OF 2 CASES

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.

CORE TERMS: digital, patent, memory, signal, telecommunication, audio, electronically, specification, desired, telephone ...

OPINION:

... [*453] [**3] 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

-Footnotes-

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

-End Footnotes-

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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 spettyekslaw.com.

BODY:

CDNow, Inc., a division of media giant Bertelsmann AG, recently settled a long-running infringement dispute involving patents for digital music downloads over the Internet by paying \$ 3.3 million to the patent owner, SightSound Technologies, Inc. SightSound's patents cover the basic business model of transferring a digital audio or video signal from one location to another via a telecommunications line in exchange for an electronic fee payment. A pioneer in selling music and movie downloads via the Internet, SightSound filed its first patent application in 1988 and claims to have completed the first sale of downloadable music in 1995 and the first sale of a downloadable feature film in 1999.

SightSound first flexed its patent enforcement muscles in 1998 by asserting a patent infringement 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 CDNow, Inc. and CDNow Online, Inc. (collectively "CDNow") to the pending patent infringement action, based on allegations of infringement of the original patents-in-suit and an additional patent, U.S. Patent No. 5,966,440, which issued to SightSound after the start of the litigation. This tangled web of patent infringement claims eventually extended to Bertelsmann AG, which acquired CDNow in connection with BMG's on-line music operations.

SightSound's patents describe a process for sending a digital audio or video signal over a telecommunications line, storing a copy of the digital signal on a recipient's computer, and submitting a payment in exchange for receipt of that digital signal. During a "Markman" proceeding, by which a court determines the scope of the asserted patent claims, CDNow argued that SightSound's patent claims did not cover the transmission of audio via a distributed computer network, such as the Internet. Chief Magistrate Judge Kenneth Benson disagreed with CDNow's claim construction position, however, stating that "There is simply no way of reading the plain language of the claims . . . to exclude

any means of transferring information so long as it can occur over telecommunications lines." The court ruled in favor of SightSound's position that the claims of the asserted patents are not so limited as to exclude the distribution of digital information via the Internet.

CDNow and SightSound entered into the settlement agreement in advance of a rapidly approaching trial date and only after the federal district court rendered summary judgment and claim construction decisions favorable to SightSound. While the settlement does not require CDNow to concede infringement of SightSound's patents, CDNow also does not contest the validity or enforceability of these patents. In a press release about the litigation settlement, SightSound's President and CEO, Scott Sander, states "we changed the way consumers access entertainment, and our patents gave us the power to change ~~the business practices of an entire industry.~~" "Our success today indicates that the industry has entered a new era of respect for intellectual property, both copyrights and patent rights," stated SightSound's Sander.

Armed with a successful patent litigation settlement, SightSound is likely to seek new opportunities to extract value from its patent portfolio by extending license offers to members of the on-line music and movie industries. Potential license candidates include major record labels and movie studios with e-commerce operations for distributing fee-based digital music and video via the Internet. While the market for selling music downloads for a fee has shown signs of commercial success in the past year, the price paid by a consumer for purchasing a music download via the Internet may be influenced by SightSound's patent licensing activities. Each music download over the 'Net may some day include a royalty payment to SightSound if the company is successful in expanding the enforcement of its patent portfolio for e-commerce music and movie transactions.

GRAPHIC: Picture, no caption

LOAD-DATE: April 22, 2004

Current session 04/03/2005

ery/Command : us5675734/pn

Query/Command : PRT SS 1 MAX 1 LEGAL

1 / 1 PLUSPAT - @QUESTEL-ORBIT - image

Patent Number :

US5675734 A 19971007 [US5675734]

Title :

(A) System for transmitting desired digital video or audio signals

Patent Assignee :

(A) PARSEC SIGHT SOUND INC (US)

Patent Assignee :

Parsec Sight/Sound, Inc., Upper St. Clair PA [US]

Inventor(s) :

(A) HAIR ARTHUR R (US)

Application Nbr :

US60764896 19960227 [1996US-0607648]

Basic

1 / 1 LGST - @EPO

Patent Number :

US5675734 A 19971007 [US5675734]

Application Number :

US60764896 19960227 [1996US-0607648]

Action Taken :

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

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OWNER: WATERVIEW PARTNERS, L.L.P. ONE STERLING PLAZA 152 WES; EFFECTIVE

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SEARCH REQUEST FORM

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Art Unit: 2100 Phone Number 272-3599 Serial Number: 90/007,403
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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
5,675,734

Inventor: Arthur R. Hair

O.G. Date March 29, 2005

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Searcher: Shirelle Green
Searcher Phone #: 306-4767
Searcher Location: 4B40
Date Searcher Picked Up: 3/7/05
Date Completed: 3/7/05
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1 of 1 DOCUMENT

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5675734

[Link to Claims Section](#)

October 7, 1997

System for transmitting desired digital video or audio signals

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. - Pittsburgh, Pennsylvania, United States (US)

APPL-NO: 607648 (08)

FILED-DATE: February 27, 1996

GRANTED-DATE: October 7, 1997

ASSIGNEE-AT-ISSUE: Parsec Sight/Sound, Inc., Upper St. Clair, Pennsylvania, United States (US), 02

ASSIGNEE-AFTER-ISSUE: 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:

A method for transferring desired digital video or digital audio signals. The method comprises the steps of 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 has the desired digital video or digital audio signals. Then, there is the step of selling electronically by the first party to the second party through telecommunications lines, the desired digital video or digital audio signals in the first memory. Then, there is the step of transferring the desired digital video or digital audio signals from the first memory of the first party to the second memory of the second party through the telecommunications lines while the second memory is in possession and control of the second party. Additionally, there is a system for transferring digital video or digital audio signals.

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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] 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 other patents, No. 5,675,734, issued on October 7, 1997 ("the '734 Patent"), and No. 5,966,440, issued on October 12, 1999 ("the '440 Patent"). The '734 and '440 Patents are claimed to be continuations of '573 Patent. (Amended Complaint, Docket No. ...

LEXIS-NEXIS
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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") 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 point. Claim construction is ...

No Documents Found!

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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:

...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 CDNow, ...

LEXIS-NEXIS
Library: NEWS
File: CURNEWS

2 of 8 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
.....
....

3 of 8 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:

...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 sale of ...

4 of 8 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:

...allows the content to be searched by the second party, and the desired content selected for playback in any desired combination.

Enforcement: In January 1999, a company called Sightsound.com asserted this and the 5,675,734 patent below against MP3.com and GoodNoise Corp., claiming that these patents cover the sale of audio or video recordings in download fashion over the Internet and offering a license for a royalty of ...

...Weapons," *New York Times*, Feb. 1, 1999, at C4, C4; news item of Jan. 29, 1999 from The Content Factory via COMTEX titled "Sightsound.com's c-music patent."

5,675,734

Title: "Method for Transmitting Desired Digital Video or Audio Signals"

Priority Filing Date: June 13, 1988

Issue Date: Oct. 7, 1997

Held by: Originally issued to Arthur ...

5 of 8 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:

...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-per- ...

...office aren't entirely worthless because they often narrow the scope of the claims dramatically. In many cases, the patents aren't really as all-encompassing as they might seem because the negotiations have limited the breadth of the claims.

For instance, patent 5675734 -- one of Hair's patents for online pay-per-view -- doesn't really apply to all sales of audio or video over the Internet. One claim requires that the signal be copied into a "sales random access ...

...digital video or digital audio signals purchased by the second party." If your Web site doesn't have a "sales random access memory chip" or some equivalent, then the patent doesn't apply to you. Patent 5675734's claims also specify that money is involved. That is, a person must provide "a credit card number ... so the second party is charged money." If there's no money exchanged, then the patent probably doesn't apply.

The ...

...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. One ...

6 of 8 DOCUMENTS

Copyright 1998 Business Wire, Inc.
Business Wire

May 19, 1998, Tuesday

DISTRIBUTION: Business Editors & High-Tech Writers

LENGTH: 867 words

HEADLINE: Digital Sight/Sound Rolls Out First Patented Method for Sale of Digital Audio/Video Over the Internet

DATELINE: LOS ANGELES

BODY:

...Under the terms of the agreement, DS/S becomes the first commercial licensee of the A2B Music platform, which in turn becomes the first platform to enjoy patent protection under United States Patents 5,191,573 and 5,675,734. "A2B is a superb platform for the download sale of audio recordings, and we are pleased to be the first commercial licensee of the system," stated Arthur R. Hair, chairman and chief technology officer of Digital Sight/Sound. ...

7 of 8 DOCUMENTS

Copyright 1998 Business Wire, Inc.
Business Wire

May 18, 1998, Monday

DISTRIBUTION: Business Editors & High-Tech Writers

LENGTH: 867 words

HEADLINE: Digital Sight/Sound Rolls Out First Patented Method for Sale of Digital Audio/Video Over the Internet

DATELINE: LOS ANGELES

BODY:

...Under the terms of the agreement, DS/S becomes the first commercial licensee of the A2B Music platform, which in turn becomes the first platform to enjoy patent protection under United States Patents 5,191,573 and 5,675,734. "A2B is a superb platform for the download sale of audio recordings, and we are pleased to be the first commercial licensee of the system," stated Arthur R. Hair, chairman and chief technology officer of Digital Sight/Sound. ...

8 of 8 DOCUMENTS

Copyright 1998 Omega Communications, Inc.
Intellectual Property Today

March, 1998

SECTION: RFC EXPRESS TM; Recently Filed Patent Cases; Pg. 23

LENGTH: 1248 words

BODY:

...4,809,359

98-22 -- Filed: 980106
TELEMAC CELLULAR CORPORATION
vs.
TOPP TELECOM INC.
5,577,100

98-118 -- Filed: 980120
PARSEC SIGHT/SOUND INC.
vs.
N2K INC.
5,191,573; 5,675,734

97-2387 -- Filed: 971118
FANTASTIC LIGHTED CLOTHING, ET AL
vs.
FERBER, ET AL
5,371,657; 5,531,601

97-2353 -- Filed: 971112
J&M CORPORATION
vs.
HARLEY-DAVIDSON ...

us5675734/pn

** SS 1: Results 1

Search statement 2

?prt full nonstop legalall

1/1 PLUSPAT - (C) QUESTEL-ORBIT- image
PN - US5675734 A 19971007 [US5675734]
TI - (A) System for transmitting desired digital video or audio signals
PA - (A) PARSEC SIGHT SOUND INC (US)
PA0 - Parsec Sight/Sound, Inc., Upper St. Clair PA [US]
IN - (A) HAIR ARTHUR R (US)
AP - US60764896 19960227 [1996US-0607648]
FD - Cont. of US23398 19930226 [1993US-0023398] (Abandoned)
- Cont. of US586391 19900918 [1990US-0586391]
- Cont. of US206497 19880613 [1988US-0206497] (Abandoned)
- Continuation of: US5191573 - 19930302
PR - US60764896 19960227 [1996US-0607648]
- US2339893 19930226 [1993US-0023398]
- US58639190 19900918 [1990US-0586391]
- US20649788 19880613 [1988US-0206497]
IC - (A) H01J-013/00 H04L-009/00
EC - G07F-017/16
- G11B-020/00P
- G11B-027/00V
- G11B-027/034
- G11B-027/10A1
- G11B-027/34
- H04H-001/02
PCL - ORIGINAL (O) : 705026000; CROSS-REFERENCE (X) : 379093120 380043000
705052000 709219000
DT - Basic
CT - US3718906; US3990710; US4521806; US4528643; US4538176; US4567359;
US4647989; US4654799; US4789863; US5191573
STG - (A) United States patent
AB - A method for transferring desired digital video or digital audio
signals. The method comprises the steps of 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 has the
desired digital video or digital audio signals. Then, there is the
step of selling electronically by the first party to the second party
through telecommunications lines, the desired digital video or digital
audio signals in the first memory. Then, there is the step of
transferring the desired digital video or digital audio signals from
the first memory of the first party to the second memory of the second
party through the telecommunications lines while the second memory is
in possession and control of the second party. Additionally, there is
a system for transferring digital video or digital audio signals.

1/1 LGST - (C) EPO
PN - US5675734 A 19971007 [US5675734]
AP - US60764896 19960227 [1996US-0607648]
ACT - 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 - 5,675,734 A 19971007 [US5675734]
PA - Parsec Sight Sound Inc
ACT - 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

 Reexamination 	Control No. 90/007,40 2 ³	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		

PENDING 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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002

7590 03/18/2005
Ansel M. Schwartz
201 N. Craig Street Suite 304
Pittsburgh, PA 15213

EXAMINER

Lanica, 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.
90/007,403	01/31/2005	5675734	NAPSP002

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

EXAMINER

Lanier, Benjamin

ART UNIT	PAPER
----------	-------

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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Napster, Inc.

Los Angeles Office

9044 Melrose Ave.

Los Angeles, CA 90069

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,403.

PATENT NO. 5675734.

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. 90/007,403	Patent Under Reexamination 5675734	
	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. 5,675,734 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 1-34 of United States Patent Number 5,675,734 ("the '734 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) and Gremillet (U.S. Patent No. 4,499,568), were not previously cited or considered by the Examiner during the prosecution of the '734 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. A reasonable examiner would consider the Gallagher and Gremillet references important in deciding whether or not the claims are patentable.
4. The Freeny (U.S. Patent No. 4,528,643) prior art reference raises a substantial new question of patentability based on an intervening decision by the Federal Circuit reversing the claim construction of Freeny which cause the Freeny reference to be viewed

Art Unit: 2132

in a new light as compared with its use in the earlier concluded examinations. A reasonable examiner would consider the Freeny reference, in view of the new light, important in deciding whether or not the claims are patentable.

5. 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).

6. 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.

7. The request for *Ex Parte* Reexamination of U.S. Patent No. 5,675,734 is **GRANTED.**

8. All claims 1-34 will be examined in this reexamination proceeding.

Conclusion

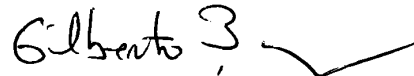
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

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.

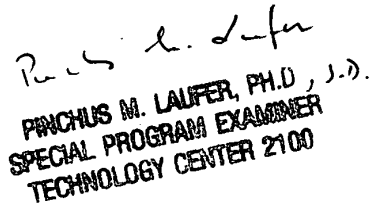
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through 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



PINCHUS M. LAUFER, PH.D., J.D.
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2100



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002
	7590	06/21/2005	EXAMINER	
Ansel M. Schwartz 201 N. Craig Street Suite 304 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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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. 90/007,403.

PATENT NO. 5,675,734.

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. 90/007,403	Patent Under Reexamination 5675734	
	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 ____ 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 1-34 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 1-34 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 § 102

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 19, 20, 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Gallagher GB 2,178,275 A. Referring to claim 4, 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). The medium of 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 (Page 1, line 85). The means of storage for the units can be hard drives (Page 1, lines 32-33), which meets the limitation of telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party. The digital data is transferred to buffer/RAM before it is transferred to the user unit (Figure 1). Once the source unit receives the digital data from the

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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), which meets the limitation of a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals. The keyboard of the user unit would meet the limitation of a second party control unit having a second party control panel. 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), which would meet the limitation of a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party.

Referring to claim 19, 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). The storage mediums can be hard drives (Page 1, lines 32-33). The source unit contains a processor (Page 1, line 15) and the user unit contains a processor (Page 1, lines 21-

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22), which meets the limitation of a first party control unit in possession and control of a first party, a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit, said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit. 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), which meets the limitation of means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location. The keyboard of the user unit would meet the limitation of the second party control panel. 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). The digital data can be audio or video (Page 1, line 85). For digital data in the form of video, playback would require a monitor or similar display, which meets the limitation of a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party

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location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip. The medium of 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 (Page 1, line 85), which meets the limitation of telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.

Referring to claims 20, 27, 29, Gallagher discloses that the medium of data transfer is preferably high speed telephone links by way of modems, normal telephone links, or any other suitable medium may be used (Page 1, line 85).

Referring to claim 26, 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). The storage mediums can be hard drives (Page 1, lines 32-33). The source unit contains a processor (Page 1, line 15) and the user unit contains a processor (Page 1, lines 21-

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22), which meets the limitation of a first party control unit in possession and control of a first party, and a second party control unit in possession and control of a second party, wherein said second party control unit is at a second party location remote from the first party control unit, said first party control unit for controlling and transferring digital audio signals, said first party control unit having a first party hard disk having a plurality of digital audio signals which include a plurality of desired individual songs as desired digital audio signals, said first party control unit having a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital audio signals of the first party's hard disk to be transferred from the first party control unit, means or mechanism for transmitting the desired digital audio signals from the sales random access memory chip. 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), which meets the limitation of said first party control unit having means or a mechanism for the first party to charge a fee to the second party to provide the second party access to the desired digital audio signals of the first party's hard disk, said means or mechanism for the first party to charge a fee to the second party remote from the second party location. The keyboard of the user unit would meet the limitation of the second party control panel. The user unit contains a hard drive (Page 1, lines 32-33), which meets the limitation of a second memory for storing the desired digital audio signals from the sales random access memory chip. 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). The digital data can be audio or video (Page 1, line 85). For digital data in the form of audio, playback would require speakers or similar audio

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output device, which meets the limitation of a receiver connected to the second party control panel and speakers connected to the receiver for playing the desired digital audio signals in the second memory, said second party control panel connected to the receiver, said receiver and speakers operatively controlled by the second party control panel, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital audio signals from the first party's hard disk with said second party control panel, said second memory connected to the receiver and the speakers, said second memory storing the desired digital audio signals that are received by the receiver. The medium of data transfer is preferably high speed telephone links by way of modems, however, normal telephone links, fibre optic links, electromagnetic waves or any other suitable medium may be used (Page 1, line 85), which meets the limitation of telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital audio signals in the sales random access memory are electronically transferred by the means or mechanism for transferring to the receiver while the second party is in possession and control of the second party control unit and after the desired digital audio signals of the first party's hard disk are sold to the second by the first party with the means or mechanism for the first party to charge a fee.

Referring to claim 28, 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). The storage mediums can be hard drives (Page 1, lines 32-33). The source unit

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contains a processor (Page 1, line 15) and the user unit contains a processor (Page 1, lines 21-22), which meets the limitation of a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk, a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit place by the second party at a location determined by 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 medium of 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 (Page 1, line 85), which meets the limitation of telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip to the second memory while the second party is in possession

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and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party.

Claim Rejections - 35 USC § 103

3. 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.

4. 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.

5. Claims 1-3, 5-18, 21-25, 30-34 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 claim 1, 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). The medium of 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 (Page 1, line 85). The means of storage for the units can be hard drives

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(Page 1, lines 32-33), which meets the limitation of forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party, telephoning the first party controlling use of the first memory by the second party. The system may incorporate anti-piracy methods such as the encryption or encoding of data either generally or uniquely (Page 1, lines 36-38), which meets the limitation of electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals. The digital data is transferred to buffer/RAM before it is transferred to the user unit (Figure 1), which meets the limitation of storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip. 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), which meets the limitation of transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second

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party, storing the transferred replica of the coded desired digital video or digital audio signals in the second memory. 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). 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 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 claim 2, Gallagher discloses that the user unit contains a processing means (Page 1, lines 21-22), which meets the limitation of a second party integrated circuit which controls and executes commands of the second party. The keyboard of the user unit would meet the limitation of a second party control panel connected to the second party integrated circuit. Once the source unit receives the digital data from the recording artists, the source unit stores the

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digital data and makes it available for sale to the general public via their user units (Page 1, lines 44-50).

Referring to claims 3, 5, 8, 30, 33, Gallagher discloses that the source unit and the database have an input means (Figure 1), and a buffer stores/RAM located adjacent to the encoder/decoder (Figs. 1-3), but does not disclose that the user unit contains a buffer store/RAM adjacent to the encoder/decoder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a buffer store/RAM adjacent to the decoder of the user unit in order to provide for faster access to the digital audio data, because the Examiner takes official notice that accessing a buffer store/RAM would be significantly faster than constantly accessing the hard disk, which would meet the limitation of the second memory includes an incoming random access memory chip which temporarily stores the coded desired digital video or digital audio signals from the sales random access memory chip, a second party hard disk for storing the coded desired digital video or digital audio signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the first party hard disk for sequential playback, and the storing the transferred replica steps includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital

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video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk, the second memory includes an incoming random access memory chip connected to the second party hard disk and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

Referring to claims 6, 31, Gallagher discloses that the source unit contains a processor (Page 1, lines 15-16), which meets the limitation of a first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines. The source unit also contains input means (Figure 1), which meets the limitation of a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Referring to claims 7, 32, Gallagher discloses that the user unit contains a processor (Page 1, line 22), which meets the limitation of a second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines. 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 said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals. The keyboard of user unit would meet the limitation of a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Referring to claim 9, Gallagher discloses that the digital data can be audio or video (Page 1, line 85) and 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). For digital data in the form of video, playback would require a monitor or similar display, which meets the limitation of the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrate circuit for displaying the desired digital video or audio signals.

Referring to claim 10, Gallagher discloses that the medium of data transfer is preferably high-speed telephone links by way of modems, however, normal telephone links or any other suitable medium may be used (Page 1, line 85).

Referring to claim 11, 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 a first memory in possession and control of the first party, a second memory in possession and control of the second party, said second memory is at a location remote from said first memory. The medium of data transfer is preferably high speed

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telephone links by way of modems, however, normal telephone links, fibre optic links, electromagnetic waves or any other suitable medium may be used (Page 1, line 85), which meets the limitation of means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass there between, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party. The source unit contains an input means (Figure 1), which meets the limitation of first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism. The keyboard of the user unit would meet the limitation of second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in

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electrical communication with said second control integrated circuit. The means of storage for the units can be hard drives (Page 1, lines 32-33). 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), which meets the limitation of means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory. 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). 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 means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory. 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

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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 12, 15, Gallagher discloses that the medium of data transfer is preferably high-speed telephone links by way of modems, however, normal telephone links or any other suitable medium may be used (Page 1, line 85).

Referring to claims 13, Gallagher discloses that the means of storage for the units can be hard drives (Page 1, lines 32-33).

Referring to claim 14, Gallagher discloses that 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). The digital data can be audio or video (Page 1, line 85). For digital data in the form of video, playback would require a monitor or similar display, which meets the limitation of the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrate circuit for displaying the desired digital video or audio signals. For digital data in the form of audio, playback would require speakers or similar audio output device.

Referring to claim 16 Gallagher discloses that the source unit comprises a storage medium, which can be a hard drive (Page 1, lines 32-33), and a buffer (Page 1, lines 66-69). The data is stored on the storage medium and processed before being sent to the buffer where it is then subsequently transmitted (Page 1, lines 71-80 & Figure 1), which meets the limitation of a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored. The user unit contains a storage medium (Page 1, line 21), which

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can be a hard drive (Page 1, line 33), which meets the limitation of a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a second party hard disk in which the desired digital video or digital audio signals are stored. Gallagher does not disclose that the user unit contains a buffer store/RAM adjacent to the encoder/decoder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a buffer store/RAM adjacent to the decoder of the user unit in order to provide for faster access to the digital audio data, because the Examiner takes official notice that accessing a buffer store/RAM would be significantly faster than constantly accessing the hard disk, which would meet the limitation digital video or digital audio signals are stored that are received from the first memory and a playback random access memory connected to the second party hard disk. 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). The medium of 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 (Page 1, line 85), which meets the limitation of telecommunications lines, means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass there between, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control

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unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said second control integrated circuit, means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism. 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

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apparatus (Abstract), which meets the limitation of means or mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory. 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). 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 means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at a first party location remote from the second memory at the second party location. 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

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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 claim 17, Gallagher discloses that the medium of data transfer is preferably high-speed telephone links by way of modems, however, normal telephone links or any other suitable medium may be used (Page 1, line 85).

Referring to claims 18, 34, Gallagher discloses that 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). The digital data can be audio or video (Page 1, line 85). For digital data in the form of video, playback would require a monitor or similar display, which meets the limitation of the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrate circuit for displaying the desired digital video or audio signals. For digital data in the form of audio, playback would require speakers or similar audio output device.

Referring to claims 21, 23, 24, 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). The medium of 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 (Page 1, line 85). The means of storage for the units can be hard drives (Page 1, lines 32-33). The source unit and the database have an input means.

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(Figure 1), and a buffer store/RAM located adjacent to the encoder/decoder (Figs. 1-3), but does not disclose that the user unit contains a buffer store/RAM adjacent to the encoder/decoder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a buffer store/RAM adjacent to the decoder of the user unit in order to provide for faster access to the digital audio data, because the Examiner takes official notice that accessing a buffer store/RAM would be significantly faster than constantly accessing the hard disk, which would meet the limitation of the second party control unit includes a second party hard disk which stores a plurality of digital video signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback, the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals, and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit, the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.

Referring to claim 22, 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). The storage mediums can be hard drives (Page 1, lines 32-33). The source unit contains a processor (Page 1, line 15) and the user unit contains a processor (Page 1, lines 21-22), which meets the limitation of the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, and first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals, and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Referring to claim 25, Gallagher discloses that 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). The digital data can be audio or video (Page 1, line 85). For digital data in the form of video, playback would require a monitor or similar display, which meets the limitation of the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video signals.

Conclusion

6. 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.

7. 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.

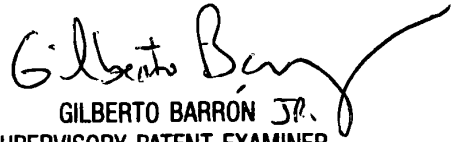
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through 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).

Application/Control Number: 90/007,403
Art Unit: 2132

Page 25



Benjamin E. Lanier



GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



VINCENT N. TRANS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2100

90/007,403

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP002	U.S. Patent No. 5,675,734
	Applicant: Arthur R. Hair Issue Date: October 7, 1997	Group: 2132

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
BL	A	4,499,568	2/1985	Gremillet	X	X
BL	B	4,528,643	7/1985	Freeny, Jr.		
BL	C	4,636,876	1/1987	Schwartz		
BL	D	4,658,093	4/1987	Hellman		
	E					
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Foreign Patent or Published Foreign Patent Application

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

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
BL	Q	Jordan, Larry E. and Churchill, Bruce, <i>Communications and Networking for the IBM PC</i> , Robert J. Brady Co., Bowie, MD (1983).
BL	R	W. Rosch, "ComNet for the PC," <i>PC Magazine</i> , August 1983, pp. 225-228.
BL	S	E. Ferrarini, "Direct Connections for Software Selections," <i>Business Computer Systems</i> , February 1984, pp. 35+ (4 pages total).
BL	T	D. Waters, "Prospects for Standardization in Cable Audio," <i>Technical Papers--NCTA Annual Convention</i> , 1984, pp. 82-84.
Examiner	Ben Lamer	
Date Considered	6/14/05	

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.

90/007,403

Examiner

Benjamin E. Lanier

Applicant(s)/Patent under Reexamination

5675734

Art Unit

2132

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Bib Data Sheet

CONFIRMATION NO. 3002

Form with fields: SERIAL NUMBER (90/007,403), FILING OR 371(c) DATE (01/31/2005), CLASS (705), GROUP ART UNIT (3625), ATTORNEY DOCKET NO. (NAPSP002). Includes sections for APPLICANTS, CONTINUING DATA, FOREIGN APPLICATIONS, Foreign Priority claimed, ADDRESS, TITLE, and FILING FEE RECEIVED (2520).

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP002	U.S. Patent No. 5,675,734
	Applicant: Arthur R. Hair Issue Date: October 7, 1997	Group: 2132

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
<i>BL</i>	A	4,499,568	2/1985	Gremillet	 	
<i>BL</i>	B	4,528,643	7/1985	Freeny, Jr.	 	
<i>BL</i>	C	4,636,876	1/1987	Schwartz	 	
<i>BL</i>	D	4,658,093	4/1987	Hellman	 	
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Foreign Patent or Published Foreign Patent Application

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							Yes	No
<i>BL</i>	L	GB 2 178 275 A	2/1987	United Kingdom	 	 		
<i>BL</i>	M	62-284496	12/1987	Japan	 	 	X	
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	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
<i>BL</i>	Q	Jordan, Larry E. and Churchill, Bruce, <i>Communications and Networking for the IBM PC</i> , Robert J. Brady Co., Bowie, MD (1983).
<i>BL</i>	R	W. Rosch, "ComNet for the PC," <i>PC Magazine</i> , August 1983, pp. 225-228.
<i>BL</i>	S	E. Ferrarini, "Direct Connections for Software Selections," <i>Business Computer Systems</i> , February 1984, pp. 35+ (4 pages total).
<i>BL</i>	T	D. Waters, "Prospects for Standardization in Cable Audio," <i>Technical Papers--NCTA Annual Convention</i> , 1984, pp. 82-84.
Examiner	<i>Ben Lanier</i>	
Date Considered	<i>6/14/05</i>	

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002

7590 07/13/2005
Ansel M. Schwartz
201 N. Craig Street Suite 304
Pittsburgh, PA 15213

EXAMINER

Gilberto 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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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. 90/007,403.

PATENT NO. 5,675,734.

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. 90/007,403	Patent Under Reexamination 5675734	
	Examiner Gilberto Barron Jr.	Art Unit 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..."

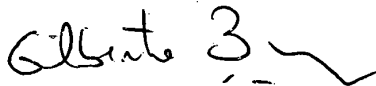
Claim(s) discussed: none in particular.

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 BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

cc: Requester (if third party requester)

Examiner's signature, if required



08/18/05

Practitioner's Docket No. HAIR-1 CONT IIA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,675,734

In re application of: Arthur R. Hair

Reexamination Control No.: 90/007,403

Group No.: 2132

Reexamination Filed: 01/31/2005

Examiner: Benjamin E. Lanier

For: SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS

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.

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. EL700964468US (mandatory)

TRANSMISSION

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

09/06/2005 MSALDANA 00000012 90007403

01 FC: 1/06
Tracey L. Klaas

Signature

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:

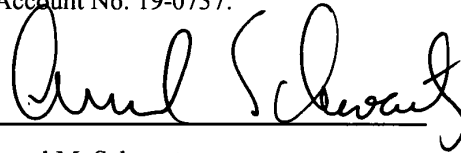
	(Col. 1)	(Col. 2)	(Col. 3)			SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDIT. FEE
TOTAL	27	- 34	= 0	x	\$ 25.00	= \$ 0.00
INDEP.	6	- 7	= 0	x	\$ 100.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+	\$ 0.00	= \$ 0.00
					TOTAL ADDIT. 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





08/18/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
ARTHUR R. HAIR)	
)	
Reexamination Control No. 90/007,403)	
)	
Reexamination Filed: January 31, 2005	)	SYSTEM FOR TRANSMITTING
	)	DESIRED DIGITAL VIDEO OR
Patent Number: 5,675,734	)	AUDIO SIGNALS
)	
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:

AMENDMENT

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

Claim Amendments

Claim 1 (original): A method for transferring desired digital video or digital audio signals comprising the steps of:

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;

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;

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;

storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip;

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and

storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.

Claim 2 (original): A method as described in Claim 1 wherein there is a second party integrated circuit which controls and executes commands of the second party, and a second party control panel connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the

second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk.

Claim 3 (original): A method as described in Claim 2 wherein the second memory includes an incoming random access memory chip which temporarily stores the coded desired digital video or digital audio signals from the sales random access memory chip, a second party hard disk for storing the coded desired digital video or audio digital signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the first party hard disk for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.

Claim 4 (currently amended): A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party, the second memory includes a second party hard disk which stores the desired digital video or digital audio signals transferred from the sales random access memory chip, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica

of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.

Claim 5 (canceled)

Claim 6 (currently amended): A system as described in Claim ~~[[5]]~~ 4 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Claim 7 (original): A system as described in Claim 6 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Claim 8 (original): A system as described in Claim 7 wherein the second memory includes an incoming random access memory chip connected to the second party hard disk and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

Claim 9 (original): A system as described in Claim 8 wherein the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

Claim 10 (original): A system as described in Claim 4 wherein the telecommunications lines include telephone lines.

Claim 11 (original): A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:

a first memory in possession and control of the first party;

a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;

telecommunications lines;

means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory;

means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital

audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting

means or mechanism in electrical communication with said connecting means or mechanism;
and

means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.

Claim 12 (original): A system as described in Claim 11 wherein the telecommunications lines include telephone lines.

Claim 13 (original): A system as described in Claim 12 wherein the first memory comprises a first hard disk and the second memory comprises a second hard disk.

Claim 14 (original): A system as described in Claim 13 includes a video display and speakers in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.

Claim 15 (original): A system as described in Claim 11 wherein the telecommunications lines include telephone lines.

Claim 16 (original): A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising:

a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored;

a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a second party hard disk in which the desired digital video or digital audio signals are stored that are received from the first memory and a playback random access memory connected to the second party hard disk;

telecommunications lines;

means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or

mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location;

means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected

to said second party hard disk, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.

Claim 17 (original): A system as described in Claim 16 wherein the telecommunications lines include telephone lines.

Claim 18 (original): A system as described in Claim 17 including a video display and speakers in electrical communication with said second control integrated circuit.

Claim 19 (currently amended): A system for transferring digital video signals comprising:

a first party control unit in possession and control of a first party;

a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit;

said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and means or a mechanism

for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location;

a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip, the second party control unit includes a second party hard disk which stores a plurality of digital video signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback; and

telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party, the telecommunications lines include telephone lines.

Claims 20 and 21 (canceled)

Claim 22 (currently amended): A system as described in Claim ~~[[21]]~~ 19 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Claim 23 (original): A system as described in Claim 22 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the

playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Claim 24 (original): A system as described in Claim 23 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.

Claim 25 (original): A system as described in Claim 24 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video signals.

Claims 26 and 27 (canceled)

Claim 28 (currently amended): A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party, the second party control unit includes a second party hard disk which stores a plurality of digital video or audio signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip to the second memory while the second party is in possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party, the telecommunications lines include telephone lines.

Claims 29 and 30 (canceled)

Claim 31 (currently amended): A system as described in Claim ~~[[30]]~~ 28 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Claim 32 (original): A system as described in Claim 31 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Claim 33 (original): A system as described in Claim 32 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

Claim 34 (original): A system as described in Claim 33 wherein the second party control unit includes a video display unit connected to the playback random access

memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

REMARKS

Claims 1-4, 6-19, 22-25, 28 and 31-34 are currently active.

Claims 5, 20, 21, 26, 27, 29 and 30 have been canceled.

In regard to the following discussion concerning the prior art rejections under 35 U.S.C. §§102 and 103 that the Examiner has raised, it must be stressed and pointed out that the claims are to be considered from the viewpoint of one skilled in the art as of the priority date of **June 13, 1988**, and not what one skilled in the art would consider from today's viewpoint. This is black letter law and was so stated by the U.S. District Court for the Western District of Pennsylvania in its Order of Court in *Sightsound.com, Inc. v. N2K*, dated October 23, 2003.

The Examiner has rejected Claims 4, 19, 20, and 26-29 as being anticipated by Gallagher.

In regard to Claim 4, Claim 4 now has the limitations of Claim 5 with all the limitations of its base claim and any intervening claims.

In regard to Claim 19, Claim 19 now has the limitations of Claim 21 with all the limitations of its base claim and any intervening claims.

In regard to Claim 28, Claim 28 now has the limitations of Claim 30 with all the limitations of its base claim and any intervening claims.

Claims 26 and 27 have been canceled.

The Examiner has rejected Claims 1-3, 5-18, 21-25, and 30-34 as being unpatentable over Gallagher and 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.

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".

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.

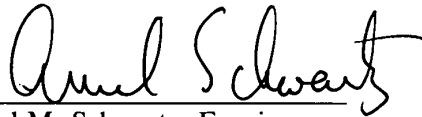
A copy of this entire response has also been mailed to the Requester.

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 1-4, 6-19, 22-25, 28 and 31-34, now in this application be allowed.

Respectfully submitted,

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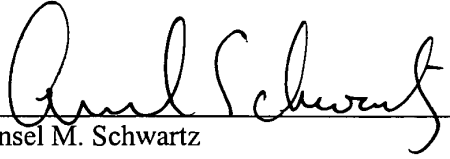
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Attorney for Patentee

CERTIFICATE OF SERVICE

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

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SIGHTSOUND.COM v N2K
11052/1

Index of Prior Art

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING 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	Ullicki	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
					of sale location
	29	4,533,948	McNamara et al.	April 30, 1982	CATV Communications system
	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. Gullick	Satellite News, 81-11-09, pp. 7
77	Telecommunications in the coming decades	S.B. Weinstein	IEE Spectrum, Nov 1977, p. 62
78	Electronic Banking Goes to Market	T.S. Perry	IEE Spectrum, Feb 1977., 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. xvii
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
97		The Coding of Graphics Animation in a Videotext Terminal	C. Pabouscsidis	1986 IEEE International Conference on Consumer Electronics, Digest of technical Papers, June 1986
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	153	US Patent No. 4, 999,806	Software distribution system	USPTO
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	156	The Telharmonium: An Early Breakthrough in Electronic Music	T. Holmes	Gyrofrog Communications Electronic and Experimental Music 1996
	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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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 IEEB, Vol. 126, No. 12, December 1979
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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
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168		Music from the skies promised by firm serving	S. Chase	The Washington Post, October 19, 1981

		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
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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	Thaddeus 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	
	182	Book Review: Magic Music From The Telharmonium	P. Hertz	http://www.obsolete.com	
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	190	The Shyvers Multiphone	No author listed	http://www.dyz.com	
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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
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200	Computer Music Networks	C. Roads	Computer Music Journal, Fall 1986
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202	CVC Gameline Master Module	No author listed	http://cwvf.cc.utexas.edu

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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
	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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	213	5,307,456	Mackay	January 28, 1992	Integrated Multi-Media Production And Authoring System
	214	4,675,904	Silverman	August 11, 1983	Method For Detecting Suicidal Predisposition
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	217	AES Presentations		AES Preprints	
	218	Brochure; Overview articles, etc on PAN	PAN Network		
	219	Brochure: NERAC			
	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
	228	Digital Sound Now on Computer Disks	S. Booth	Consumer Elec. Daily, June 3, 1984
	229	CompuSonics Readies Floppy disc to record.....		HFS Newspaper, June 4, 1984
	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. Stautner	CompuSonics Corp.
	239	Company sees Future in Digital	J. Hendon	Rocky MountainNews, July 22, 1984
	240	Floppy-Disk Audio System	A. Mereson	Science Digest, November 1984
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	243	Brochure		CompuSonics Corp.
	244	Hi-Fi Floppy	CADES	P.C. World, April 1985
	245	New Hi-Fi Horizons	D. Canada	Stereo Review, December 1984
	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.
	248	The Audio Computer and its applications	Schwartz & Stautner	CompuSonics Corp.
	249	Engineering Your Own Digital Audio Broadcast System	D. Schwartz	CompuSonics Corp.
	250	Memo: To Mr. Kapp; from D. Schwartz	D. Schwartz	CompuSonics Corp., April 26, 1990
	251	CompuSonics DSP 2002 - Preliminary User Manual		CES, June 1984
	252	Digital Mark. Corp. Video Real Estate System	JPS	CompuSonics Corporation
	253	Memo: to Holmbraker et al.	D. Schwartz	CompuSonics Corporation
	254	Assembly Procedure for DS 1500		CompuSonics Corporation

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	256	DMS Lecture		CompuSonics Corporation, 1991
	257	Application Notes: DSP 1000 Digital Audio Disc Recorder		CompuSonics Corporation
	258	Automated Merchandising System for Computer Software, Patent #4,949,257	Orbach	USPTO
	259	Letter to E. Kraeutler, Esq. Re: CDNews/Liquid Audio	I. Gross	Wilson, Sonsini, Goodrich and Rosati - April 14, 2000
	260	Patent License Agreement	Schoen & Hooiban	Ergon Technology Associates Corp.
	261	The Home Terminal		IRD, Inc., August 1978
	262	Rolm Plugs CBX Into		EMMS - May 2, 1983
	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
	266	Hi-Fi in the '80's : Not only Alive and well.....	L. Feldman	Information Access Co., July 1984
	267	The Search for the Digital Recorder	B. Dumaine	Time, Inc., November 12, 1984
	268	Ultimate Integration: Putting Software theory into.....	J. Balga	Information Access Co., February 12, 1985

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	270	Remembering the Gameline	D. Skelton	www.mindspring.com
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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)
	277	Telepay vs. Videodisc		International Resource Development INC., September 1982 (CDN 023068)
	278	Health, Wealth & Self-Improvement Home Software		International Resource Development INC., September 1985 (CDN 023091)
	279	Telecommunications Market Opportunities		International Resource Development INC., November 1985 (CDN 023110-023138)
	280	VideoPrint (Contents)		June 22, 1983 (CDN 023139-23142)

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	281	CompuSonics/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	ON LINE 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	MITE (Finding MITE)		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)
	354	Telecommunications (Telecommunications Adviser)	Ed Magnin	Telephone Software Connection Inc. November 1983 (CDN 023681-23682)

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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 THUNDERCLOCK 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 Joehumson Doug Carlston	(CDN 023745)
	385	Telephone Transfer II (INTRODUCTION)	Leifton Paul Ed Magnin	November 1982 (CDN 023746)
	386	PRNTOGRAPHER (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 Miaszkowski 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 (Ethernet 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	MARKETTALK 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	MARKETALK 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 INT 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 TELETNET 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 ID)		(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-CRYPTION)		(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 (BACKGROUND 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 Delevery)		(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 ID)		(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 ti Prometheus Modern 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 Cieply	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 TELLHARD 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 (Preformer 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	Egghed Inc. Ships Software Over Internet (Ingram Micro Inc.)	David Bannk	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	RECEPTS 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	RECEPTS 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	ComputSonics 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	ComputSonics 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. MacIonalid	November 18, 1985 (CDN 25787-25817)
	742	EFFICIENT DATA REDUCTION FOR DIGITAL AUDIO USING A DIGITAL FILTER ARRAY (PURPOSE)	John P. Stautner 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 Stautner Sriram Jayasimba	(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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	753	ALGORITHMS AND ARCHITECTURES FOR CONSTANT-Q FOURIER SPECTRUM ANALYSIS	G. Schwede	May, 1983 CDN025895 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		HPD - The Weekly Home Furnishings Newspaper June 4, 1984

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	761	Technology Awards to CompuSonics		CDN026268
	762	CompuSonics DSP 1000 Digital Audio Disk Recorder Specifications		CDN026269 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, 1985 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. Stauner	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. Stauner	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	Computronics 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. Romning	Journal of the Audio Engineering Society Volume 28, Number 4 April, 1980

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	853	CORPORATION 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. Legge	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

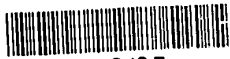
Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		SYSTEM FOR NEWS COVERAGE	I. Buffham	CDN027907
	866	DOCAT - DIGITAL, OPTICAL CATV TRUNK SYSTEM	G. Mogensen; B. Petersen; H. Steffensen	International Broadcasting Convention September 18-21, 1982 CDN027913
	867	DIGITAL TRANSMISSION SYSTEM FOR 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			



08/18/05

Practitioner's Docket No. HAIR-1 CONT IIA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,675,734

In re application of: Hair, Arthur R.

Reexamination Control No.: 90/007,403

Group No.: 2132

Reexamination Filed: January 31, 2005

Examiner: Benjamin E. Lanier

For: SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS

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:

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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. EL700964468US (mandatory)

TRANSMISSION

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

Handwritten signature: Tracey L. Klaas

Signature

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.

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

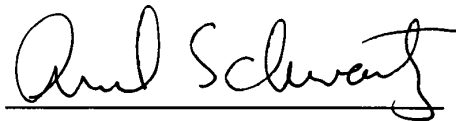
3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 5,675,734
In re application of: Hair, Arthur R.
Reexamination Control No.: 90/007,403
Reexamination Filed: January 31, 2005
For: SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS

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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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.

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FEE

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FEE PAYMENT

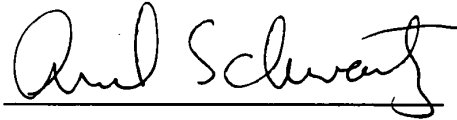
3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

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



08/18/05

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

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

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.

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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.

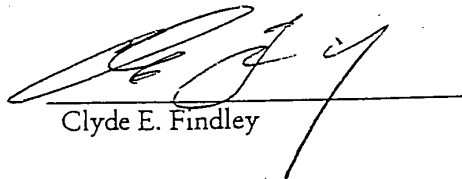
6. On May 8, 2003, I visited the website available at the following URL:
http://www.listen.com/rhap_about.jsp?sect=catalogs. The pages attached at Tab 5 are true
and correct copies of the web pages available at that website.

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:

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
- Freem Software
- Tutorials

- Encoder
- Format
- Microsoft Producer
- Players
- SDK
- Server
- Codecs
- COOL STUFF
- DEMOS ()
- HOW-TO
- GET DOWN TO BUSINESS
- PRESS
- COMMUNITY

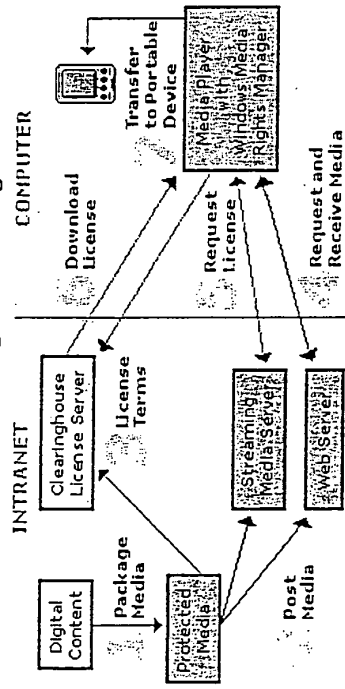
Architecture of Windows Media Rights Manager

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/media/wm7/drm/architecture.aspx>

The basic Windows Media Rights Manager process is as follows:

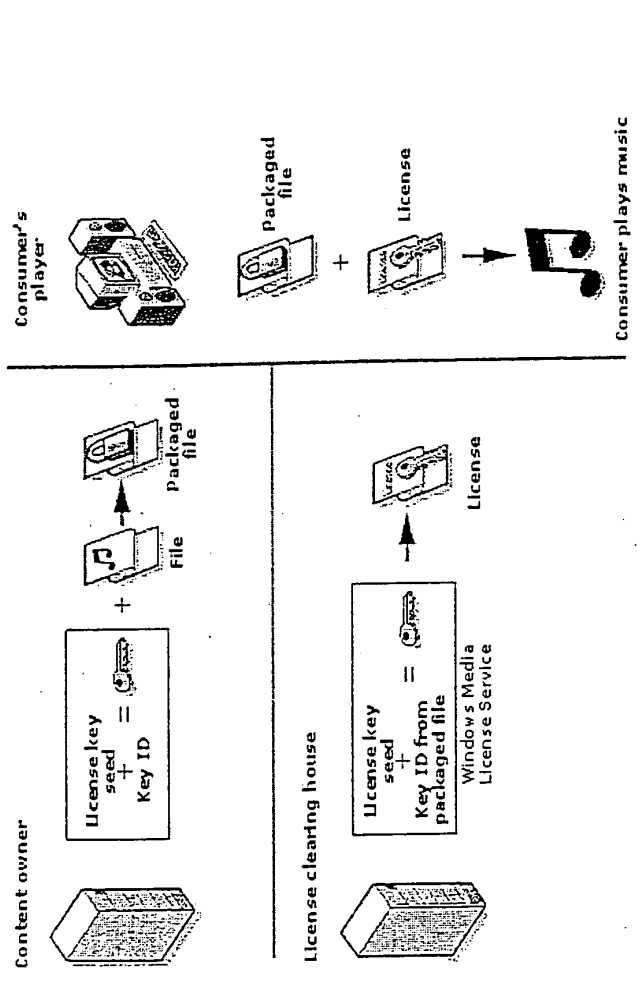
1. **Packaging**
Windows Media Rights Manager packages the digital media file. The packaged media file has been encrypted and locked with a "key." This key is stored in an encrypted license, which is distributed separately. Other information is added to the media file, such as the URL where the license 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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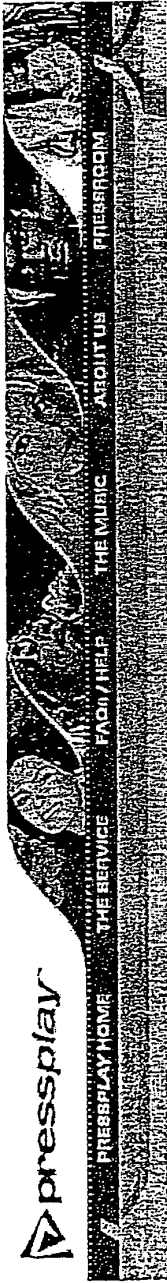
[Support](#) | [Windows Media Newsletter](#)

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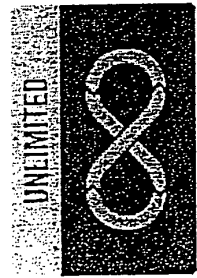
Make a Wish
What's your feature wish?

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the service

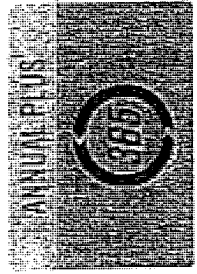
pressplay offers a number of service plans so that you can choose the plan which is right for you.



\$9.95 per month
 Unlimited Streaming
 Unlimited Downloads



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



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

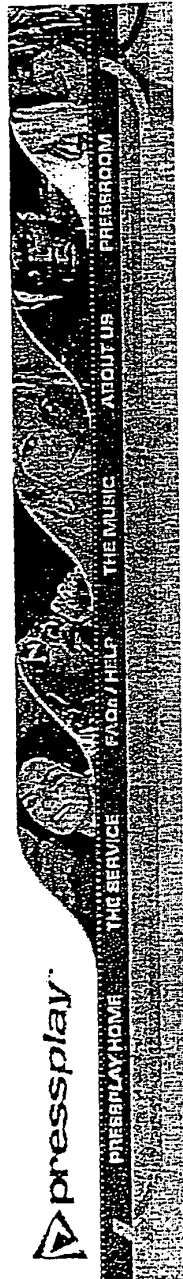


All tiers of service offer the ability to buy as many extra packs of 5, 10, or 20 Portable Downloads as you would like. Portable Download packs are available for \$5.95 for the 5-pack; \$9.95 for the 10-pack and \$18.95 for the 20-pack.

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

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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?

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

pressplay Help
 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?
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 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?
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 How do I get *pressplay* back if I accidentally removed it from Windows Media Player 9 Series?

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What file format and bitrate are the streaming tracks?

Do I have to be online to stream a track?

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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?

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?

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?

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.

- **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.

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](#)
- [R10 *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:
 - <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 Macintosh

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

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

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.
For Windows Media Player 9 Series
 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.
 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 \$9.95, 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.

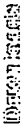
- Dial-up-20 Kbps
- ISDN-32 Kbps
- Cable/DSL or higher -96 Kbps

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

be made portable.

Portable Downloads

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 Windows

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://wws1pro.compaq.com/support/home/index.asp>

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.



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.



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:

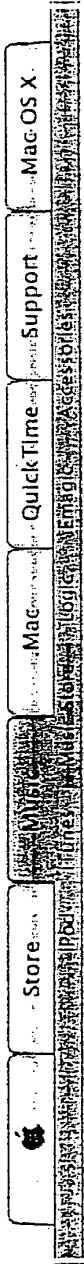
1. Go to the **COMMUNITY** tab.
2. Go to the **BROWSE MEMBERS' COLLECTION** sub-tab.
3. Pick a genre from the drop-down menu.
4. Click the **BROWSE** button.

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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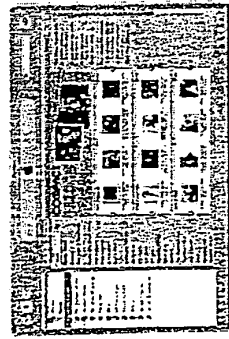
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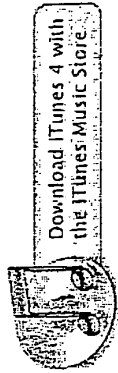
The iTunes Music Store. Downloads done right.

Free 30-second, full-fidelity 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



Download iTunes 4 with the iTunes Music Store

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.



The iTunes Music Store requires a Mac equipped with iTunes 4

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.



Easy and free music previews

To hear what a song sounds like, simply double-click on a music track just as you would a song stored on your hard disk. You'll hear a 30-

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.

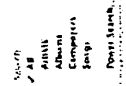
Browse for something new

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

[Site Map](#) | [Search Tips](#)

Visit the Apple Store online or at retail locations.
1-800-MY-APPLE

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Wireless

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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

\$9.95/month
7-Day FREE Trial

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 \$0.99 per track

RHAPSODY

Radio PLUS

\$4.95/month
7-Day FREE Trial

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.

RHAPSODY

Preview

FREE

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.

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Features & System Requirements



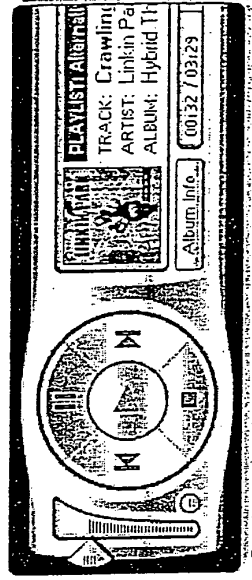
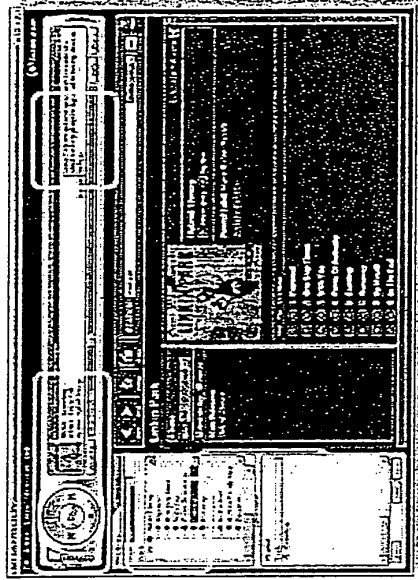
- Music Library**
- Add tracks and albums to a personal music library.
 - Organize music collections by artist, album, track, playlist or radio station.
 - Create, edit, save, and share custom playlists.
 - Burn your own CDs

- 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.

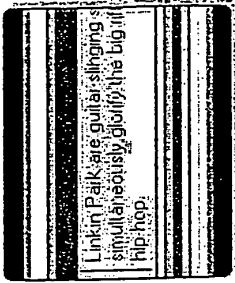
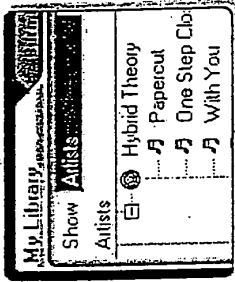
- System Requirements**
- Windows XP, Me, 2000, 98 SE or NT 4.0 Service Pack 6
 - Microsoft Internet Explorer 5.0 or later



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



"Pop-up" music (iMa

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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,

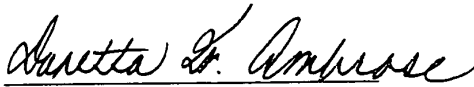
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that:

- 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.

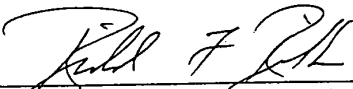
SO ORDERED

Dated: 2/20/04


Donetta W. Ambrose
United States District Judge

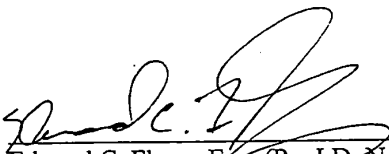
CONSENT TO ENTRY

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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(212) 382-0200

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.

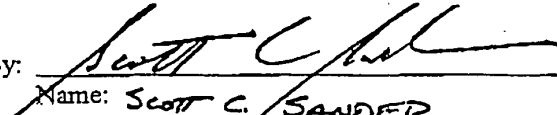
16. Governing Law. This Agreement and its enforcement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Pennsylvania, without regard to conflicts-of-law principles. Any suit or enforcement proceeding arising out of this Agreement shall be brought or maintained exclusively 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

Over half a billion songs have been sold and legally downloaded from the iTunes Music Store.

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.
90/007,403	01/31/2005	5675734	NAPSP002	3002
	7590	10/26/2005	EXAMINER	
Ansel M. Schwartz 201 N. Craig Street Suite 304 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. 90/007,403.

PATENT NO. 5,675,734.

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. 90/007,403	Patent Under Reexamination 5675734	
	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. Notice of References Cited by Examiner, PTO-892. 3. Interview Summary, PTO-474.
2. Information Disclosure Statement, PTO-1449. 4. _____.
no cited
(64 sheets)

Part II SUMMARY OF ACTION

- 1a. Claims 1-4,6-19,22-25,28 and 31-34 are subject to reexamination.
1b. Claims ____ are not subject to reexamination.
2. Claims 5, 20, 21, 26, 27, 29, 30 have been canceled in the present reexamination proceeding.
3. Claims ____ are patentable and/or confirmed.
4. Claims 1-4,6-19,22-25,28 and 31-34 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 Amendment

1. Applicant's amendment filed 18 August 2005 amends claims 4, 19, 28, and cancels claims 5, 20, 21, 26, 27, 29, 30. Applicant's amendment has been fully considered and is entered.

Response to Arguments

2. Applicant's arguments filed 21 July 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.

3. 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 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.

4. 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.

5. 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

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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 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.

6. 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.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-4, 6-19, 22-25, 28, and 31-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 5,191,573 in view of Ohta, U.S. Patent No. 4,896,237, in view of Gallagher. Current claim 1 is invalid for double patenting in view of claims 1 and 3 of the '573 patent. The only differences between current claim 1 and claims 1 and 3 of the '573 patent are hard drives at the first and

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second parties and electronically coding the digital data to prevent unauthorized reproduction. These features do not render the claims patentably distinct because it would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode or encrypt the recorded music data of Akashi in order to provide a possible means for eliminating borrowing or unlawful copying of the digital music data as taught in Gallagher (Col. 1, lines 51-53).

9. Claims 1-4, 6-19, 22-25, 28, and 31-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No. 5,966,440. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current claim limitations are present in the claims of the '440 patent. For instance, all of the limitations of current claim 1 are present in claims 1-7, 8 of the '440 patent (see below).

Claim 1 (original): A method for transferring desired digital video or digital audio signals comprising the steps of:

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital

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audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party; (Claims 1, 7)

telephoning the first party controlling use of the first memory by the second party ;
(Claim 4)

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; (Claims 2-4)

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals; (Claim 6)

storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip; (Claim 7)

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; (Claims 5, 9)

and storing the transferred replica of the coded desired digital video or digital audio signals in the second memory. (Claims 5, 9)

Claim Rejections - 35 USC § 103

10. 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

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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.

11. 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.

12. Claims 1-2 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, in view of Gallagher, in view of Ohta, U.S. Patent No. 4,896,237. Referring to claims 1, 2, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2). Akashi discloses that personal computer contains a CPU (Figure 1), which meets the limitation of a second party integrated circuit which controls and executes commands of the second party. 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 forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, telephoning the first party controlling use of the first memory by the second party, a second party control panel connected to the second party

integrated circuit, commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of transferring the stored replica of the desired digital video or digital audio signals from the memory of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 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).
Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of first memory having a first party hard disk having a plurality of digital video or digital audio signals. The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party, storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip. Akashi does not disclose that the host computer encodes the digital music data to prevent unauthorized reproduction. Gallagher discloses a system for the transfer of recorded data wherein a host computer transmits digital audio data to user units (Col. 1, lines 13-27). The host computer provides means for anti-piracy encoding or encrypting the data either

generally or uniquely (Col. 1, lines 36-38), which meets the limitation of electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to encode or encrypt the recorded music data of Akashi in order to provide a possible means for eliminating borrowing or unlawful copying of the digital music data as taught in Gallagher (Col. 1, lines 51-53).

13. Claims 3, 4, 6-11 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, in view of Gallagher, in view of Ohta, U.S. Patent No. 4,896,237, as applied to claims 1, 2, above, and further in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claims 3, 4, Akashi discloses that the host computer then sends the data to the user personal computer RAM (Page 2 Section 5), which meets the limitation of the second memory of the second party control unit includes an incoming random access memory chip which temporarily stores the desired digital video or digital audio signals received from the sales random access memory chip, storing step includes the steps of storing the desired digital video or digital audio signals in the incoming random access memory chip. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5), which meets

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the limitation of causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and playing the desired digital video or digital audio signals from the second party hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

Referring to claim 6, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2). 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), which meets the limitation

of the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk (discussed above), the first party sales random access memory (discussed above), and the second party control panel through the telecommunications lines (discussed above), and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Referring to claim 7, 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 second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk (discussed above), the playback random access memory (discussed above), and the first party control integrated circuit through the telecommunications lines (discussed above), said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals, and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Referring to claim 8, Akashi discloses that the host computer then sends the data to the user personal computer RAM (Page 2 Section 5), which meets the limitation of the second

memory includes an incoming random access memory chip connected to the second party hard disk (discussed above) and the second party control integrated circuit (discussed above), and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk (discussed above).

Referring to claim 9, Akashi discloses that the personal computer contains a monitor (Page 4, Paragraph 1), which meets the limitation of a video display unit connected to the playback random access memory chip (discussed above) and to the second party integrated circuit (discussed above) for displaying the desired digital video or audio signals.

Referring to claim 10, Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

14. Claims 11, 12, 15 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, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claim 11, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2). Akashi discloses that personal computer contains a CPU (Figure 1), which meets the limitation of a second party integrated circuit. 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 means or a

mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of a first memory in possession and control of the first party, a second memory in possession and control of the second party, said second memory is at a location remote from said first party, an incoming random access memory in electrical communication with said second integrated circuit, means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism, means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting

means or mechanism and with said second memory. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which

is significantly slower, which meets the limitation of a sales random access memory in electrical communication with said first control integrated circuit. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

Referring to claims 12, 15, Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

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15. Claim 13 is 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, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398, as applied to claims 11, 12 and further in view of Ohta, U.S. Patent No. 4,896,237. Referring to claim 13, Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, which meets the limitation of the first memory comprises a first hard disk and the second memory comprises a second hard disk, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26).

16. Claim 14 is 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, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398, in view of Ohta, U.S. Patent No. 4,896,237, as applied to claims 11-13 and further in view of Chace, U.S. Patent No. 4,792,974. Referring to claim 14, Akashi discloses that the personal computer of the user contains a monitor (Page 4, Paragraph 1), which meets the limitation of a monitor in electrical communication with said second control integrated circuit. Eggers discloses that the personal computer has a monitor for video output/playback (Col. 4, lines 54) but does not expressly disclose the form for the audio output/playback. Chace discloses

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a system for audiovisual playback using a personal computer (Col. 5, lines 64-65) wherein the audio output comprises stereo speakers (Col. 7, line 39), which meets the limitation of speakers in possession and control of the second party and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use stereo speakers as the audio output in the playback system of Eggers in order to provide a more realistic and more pleasing sound to the ear as taught in Chace (Col. 1, lines 32-33).

17. Claims 16, 17, 28, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi, "Automated Music Purchasing System", in view of Ohta, U.S. Patent No. 4,896,237, in view of Freeny, U.S. Patent No. 4,528,643, in view of Gallagher; in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claim 16, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2). Akashi discloses that personal computer contains a CPU (Figure 1), which meets the limitation of a second party integrated circuit. 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). When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of a first memory at a first party location, said first memory in possession and control of the first party, a second memory in possession and control of the second party,

wherein said second memory is at a second party location remote from said first memory, telecommunications lines, means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from the said first control unit, said first control unit comprises a first control panel, first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the first party and in electrical communication with the second control integrated circuit, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism, means or a mechanism for storing the desired digital video or digital audio signals in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism.

Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means

of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of the first memory comprises a first hard disk in which the desired digital video or digital audio signals are stored and in electrical communication with the first control integrated circuit and the second memory comprises a second hard disk in which the desired digital video or digital audio signals are stored that are received from the first memory and in electrical communication with the second control integrated circuit. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit and in electrical communication with said first control integrated circuit, transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

Referring to claim 17, Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

Referring to claims 28, 31-34, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2). 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), which meets the limitation of a first party control unit and a second party control unit, the first party

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control unit includes a first party integrated circuit which controls and executes commands of the first party and is connected to the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals, and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit, the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party, and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit. 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 a second party control unit having a second party control panel, second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party, the second party control unit includes a video display unit connected to the second party integrated circuit for displaying the desired digital video or audio signals. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of a second memory connected to the second party control panel, said second party control unit place by the second party at a location determined by the second party, telecommunications lines connected to the first party control unit and the second party control unit through which the sales of the desired digital video or digital audio signals occur of the first party's memory, and over which

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the desired digital video or digital audio signals of the first party's memory are electronically transferred from the first party memory to the second memory while the second party is in possession and control of the second memory, an incoming random access memory connected to the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk. Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals and the second party control unit includes a second party hard disk that stores a plurality of digital video or audio signals, the first party hard disk connected to the first party control integrated circuit, the second party hard disk is connected to the second party control integrated circuit. Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1). Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted

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between the host computer and the user personal computer. 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 a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's disk to be transferred from the first party control unit, transferring from the sales random access memory chip to the second memory of the second party the desired digital video or digital audio signals of the first party's hard disk, the first party sales random access memory

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is connected to the first party control integrated circuit. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5), which meets the limitation of a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, . It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback and is connected to the second party control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order

to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

18. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi, "Automated Music Purchasing System", in view of Ohta, U.S. Patent No. 4,896,237, in view of Freeny, U.S. Patent No. 4,528,643, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398, as applied to claims 16-17 and further in view of Chace, U.S. Patent No. 4,792,974. Referring to claim 18, Akashi discloses that the personal computer of the user contains a monitor (Page 4, Paragraph 1), which meets the limitation of a monitor in electrical communication with said second control integrated circuit. Eggers discloses that the personal computer has a monitor for video output/playback (Col. 4, lines 54) but does not expressly disclose the form for the audio output/playback. Chace discloses a system for audiovisual playback using a personal computer (Col. 5, lines 64-65) wherein the audio output comprises stereo speakers (Col. 7, line 39), which meets the limitation of speakers in possession and control of the second party and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use stereo speakers as the audio output in the playback system of Eggers in order to provide a more realistic and more pleasing sound to the ear as taught in Chace (Col. 1, lines 32-33).

19. Claims 19, 22-25 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, in view of Ohta, U.S. Patent No. 4,896,237, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claims 19, 22-25, Akashi

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discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2). Akashi does not disclose that the digital data is video data. 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). It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute video data using the system of Akashi because distributors of video data would benefit from the cost reduction that would occur when eliminating manufacturing facilities for reproducing the information in material objects and a distribution network for distributing the material objects to the various points of sale locations for sale to the consumer as taught in Freeny (Col. 1, lines 10-26). 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 a first party control unit in possession and control of a first party, a second party control unit possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit, a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said

second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, a video display unit. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the first party memory, telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the first party memory to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals the desired digital video signals are sold to the second party by the first party, the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and in connected to the second party control integrated circuit through telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals, and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit, second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit, the second party control unit includes an incoming random access memory chip connected to the second party control

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integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party. Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1). Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals and is connected to the first party control integrated circuit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, the second party control unit includes a second party hard disk which stores a plurality of digital video signals and is connected to the second party control integrated circuit that controls and executes commands of the second party. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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

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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 means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is

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then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback and is connected to the second control integrated circuit and the video display (discussed above in Akashi). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

Conclusion

20. 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

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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.

21. 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.

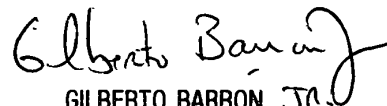
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

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

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(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	

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

Examiner's Initials	TAB NO.	PATENT NO.	INVENTOR	FILING DATE	DESCRIPTION
<i>LR</i>	16	4,045,776	Wheelwright et al.	April 19, 1976	Electronic phonograph selector and memory system
<i>LR</i>	17	4,108,365	Hughes	January 15, 1976	Coin-operated recording machine
<i>LR</i>	18	4,124,773	Elkins	November 26, 1976	Audio storage and distribution system
<i>LR</i>	19	4,300,040	Gould et al.	November 13, 1979	Ordering terminal
<i>LR</i>	20	4,335,809	Wain	January 29, 1980	Entertainment machines
<i>LR</i>	21	4,370,649	Fuerie	May 19, 1981	Payment responsive data network display
<i>LR</i>	22	4,422,093	Pargee	January 27, 1983	Television burst service
<i>LR</i>	23	4,499,568	Gremiller	December 13, 1982	Process for tele-distribution of recorded info and system for it
<i>LR</i>	24	4,506,387	Walter	May 25, 1983	Process for tele-distribution of recorded info and system for it
<i>LR</i>	25	4,520,404	Von Kohorn	August 23, 1982	System apparatus and method for recordings and editing broadcast transmissions
<i>LR</i>	26	4,521,806	Abraham	August 19, 1982	Recording program communication system
<i>LR</i>	27	4,521,857	Reynolds, III	May 17, 1982	Aviation weather information dissemination system
<i>LR</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
BA	29	4,533,948	McNamara et al.	April 30, 1982	CATV Communications system
BA	30	4,536,856	Hirosishi	September 20, 1980	Method of and apparatus for controlling the display of video signal information
BA	31	4,538,176	Nakjimo et al	November 26, 1979	Buffer memory dispersion type video/audio transmission system
BA	32	4,567,359	Lockwood	May 24, 1984	Automatic info goods and services dispensing
BA	33	4,567,512	Abraham	September 28, 1983	Recorded program communication system
BA	34	4,605,973	Von Kohorn	March 25, 1985	System apparatus and method for recordings and editing broadcast transmission
BA	35	4,647,989	Geddes	March 18, 1983	Videocassette selection machine
BA	36	4,648,037	Valentino	March 15, 1984	Method and apparatus for benefit and financial communication
BA	37	4,658,093	Hellman	July 11, 1983	Software distribution system
BA	38	4,667,802	Verduin et al.	October 1, 1984	Video jukebox
BA	39	4,672,613	Foxworthy et al.	November 1, 1985	System for transferring digital data bet. A hot device and a recording medium
BA	40	4,674,055	Ogaki	May 29, 1984	Software vending system

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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	Jettens 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
BC	53	4,792,849	McCalley et al.	August 4, 1987	Digital interactive communication system
BC	54	4,797,918	Lee et al.	April 15, 1987	Subscription controller t.v. programming
BC	55	4,829,372	McCalley et al.	August 20, 1987	Presentation player
BC	56	4,894,789	Yee	February 22, 1988	TV Data capture device
BC	57	4,918,588	Barrett et al.	December 31, 1986	Office automation system w/ integrated image management
BC	58	4,949,187	Cohen	December 16, 1988	Video communication system having a remotely controlled control sources of video/audio data
BC	59	5,003,384	Durdan et al	April 1, 1988	Set top interface transactions in an impulse pay per view t.v. system
BC	60	5,019,900	Clark et al.	August 1, 1988	Telephone access display system
BC	61	5,041,921	Schettler	December 17, 1987	System for recording custom albums from a library of pre-recorded items
BC	62	5,089,885	Clark	August 1, 1988	Telephone Access Display System With Remote Monitoring
BC	63	5,099,422	Foresman et al.	March 17, 1989	Compiling system method of producing individually customized recording media
BC	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>BR</i>	65	From the news desk	D. Needle	Info World, May 11, 1984
<i>BR</i>	66	Computer system organization: Problems of the 1980's	H. Apfelbaum, et al.	Computer Sept. 1978, Vol. II, No. 9
<i>BR</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>BR</i>	68	Jimmy Bowen: Music Row's Prophet of change	L. Chappell	Advantage, Vol.9, No. 10, p.38, October 1986
<i>BR</i>	69	Rock Around the Database	L. Dotto	Information Technal., Vol. 57, No. 9, pp. 128-135, September 1984
<i>BR</i>	70	Home (computer) terminal musical program selection	P.L. Rosenfeld	IBM Technical Disclosure Bulletin, Vol. 23, NO. 78, p 3440
<i>BR</i>	71	A Harmonious Musical Interface	S. Cunningham	Network World, Inc., September 8, 1986
<i>BR</i>	72	Electronic Orchestra in your livingroom	S. Mace	InfoWorld, March 25, 1985, p. 29
Examiner's Initials	TABS	TITLE	AUTHOR	SOURCE
<i>BR</i>	74	Cable Scan	No Author	, October 1983
<i>BR</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

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 1977, p. 62
78	Electronic Banking Goes to Market	T.S. Perry	IEE Spectrum, Feb 1977, 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. xvii
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
<i>HR</i>	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
<i>HR</i>	97		The Coding of Graphics Animation in a Videotext Terminal	C. Pabouctsidis	1986 IEEE International Conference on Consumer Electronics, Digest of technical Papers, June 1986
<i>HR</i>	98		Videotext Programs Videorecorder (VPV)	U. Bensch	1984, IEEE International Conference on Consumer Electronics, Digest of technical Papers June 1984
<i>HR</i>	99		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 Decks. Kageyama, et al. 1985 IEEE International Conference on Consumer Electronics, Digest of technical Papers, June 1985
<i>HR</i>	100		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
<i>HR</i>	101		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-

102	Video Image Transmission	K.L. Mong	33, No. 1, February 1987
103	Third Party Profile: Control Video Corporation	no author	Control Video Corp. Web Site
104	Dial-A-Game-GameLine module links WCS With Game Bank	D. Burns	Digital Antic, Vol. 2, No. 4, July 1983, p. 82
105	Remembering the Gameline	D. Skelton	http://ccwf.ccutexas.edu
106	Digitalized Voice Comes of Age Part 1 - Trade Offs	B. Occhiogrosso	Data Communications, March 1978
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
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
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)
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

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
112	Teletext/Viewdata LSI	B. Harden, et al.	IEEE Transactions on Consumer Electronics, Vol. CE-25, No. 3, July 1979
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
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
115	Telidon - A Review	H. Brown W. Sawchuk	IEEE Communications Magazine, Jan 1981
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
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
118	Profile - Career Update		Key board News, April 1985
119	Telecommunications - Let Your Telephone Do the Sampling	B. Tolinski	KSC, April 1986
120	PAN: Meeting Place for the Industry	P. Leopold	Electronic Musician, Sept. 1986









121	<i>BL</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>BL</i>	Teaching Computers to Emulate Bach	J.S. Newton	The New York Times, Sunday, March 1, 1987
123	<i>BL</i>	Getting Into PAN	S. Lloyd	Sonics (nothing else appears)
124	<i>BL</i>	MIDI By Modem: The Future in Now	P. Leopold	Conference Paper - Music and Digital Technology
125	<i>BL</i>	The Information Source of the Future is Online now: Electronic Bulletin Boards	G. Armbruster	Keyboard Magazine, Dec 1985
126	<i>BL</i>	MIDI - Musical Instrument Digital Interface	J. Aikin	Keyboard Magazine, January 1986
127	<i>BL</i>	MIND Over MIDI - Diary of a Mad MIDI Specialist	J. Cooper	Keyboard Magazine, June 1986
128	<i>BL</i>	Cover of the KEYBOARD MAGAZINE and Advertisement from Hybrid Acts, Inc.		Keyboard Magazine, July 1986
129	<i>BL</i>	What is Musical Property? - The Ethics of Sampling	S. Alvaro	Keyboard Magazine, October 1986

130	Collection of MIDI Stereo Advertisements		Electronic Musician, Vol. 5, No. 2, Feb 1989
131	In the Public Eye: Free Atari Software	J. Johnson	Electronic Musician, Vol. 5, No. 10, October 1989
132	Going Online - A Guide to elec. Bulletin board System	M. Rivers	Electronic Musician, Vol. 6, No. 11, November 1990
133	*Page of EM Classifieds		Electronic Musician, November 1989
134	Advertisements		Electronic Musician, August 1989
135	EM Classifieds		Electronic Musician, July 1989
136	Advertisements		Electronic Musician, July 1989
137	Start Me Up? - the Music Biz Meets the personal computer	B. Krepack R. Firestone	Published by Medioc Press, Copyright 1986
138	A Harmonious Musical Interface	S. Cunningham	1986 Network world, September 8, 1986
139	Synth - Bank	USPTO	USPTO - Trademark Text and Database
140	Managing the Intellectual Property Lifecycle	B. Bell A. Brown, Jr.	A excerpt from an article available at Synthbank.com 1998, Synthbank. Inc.
141	*List of E-Bulletin Boards with an attached EM page of ads		ON-line Resources/Electronic Bulletin Boards
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			
	153	<i>BL</i>	US Patent No. 4, 999,806	Software distribution system	USPTO	
	154	<i>BL</i>	US Patent No. 4,359,223	Interactive video playback system	USPTO	
	155	<i>BL</i>	USPTO Certificate of Correction - Patent No. 4,528,643	System for Reproducing information in material objects at a point at sale location	USPTO	
	156	<i>BL</i>	The Telharmonium: An Early Breakthrough in Electronic Music	T. Holmes	Gyrofrog Communications Electronic and Experimental Music 1996	
	157	<i>BL</i>	Free Music Downloads	CDNow	CDNow Web Site (CDN 000078-85)	
	158	<i>BL</i>	Gameline - the Incredible New Way to Play Video Games		Gameline brochure	
	159	<i>BL</i>	Downloading and Tele-delivery of Computer Software, Music and Video		International Resource Development, Inc. (DN 021217-021432)	
	160	<i>BL</i>	Downloading and Tele-		International Resource	

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			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

			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	Downloading 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>HL</i>	205	Affidavit of Edgar Magnin and Exhibits		US Dist Ct for the Southern Dist. Of New York	
<i>HL</i>	206	Transcript: Max Conference		02/27/93	
<i>HL</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>HL</i>	211	4,559,570	Schwartz	May 14, 1984	Magnetic Storage System
<i>HL</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>BE</i>	213	5,307,456	Mackay	January 28, 1992	Integrated Multi-Media Production And Authoring System
<i>BE</i>	214	4,675,904	Silverman	August 11, 1983	Method For Detecting Suicidal Predisposition
<i>BE</i>	215	4,682,248	Schwartz	September 17, 1985	Audio and Video Digital Recording Playback System
<i>BE</i>	216	4,472,747	Schwartz	April 19, 1983	Audio-Digital Recording And Playback System
Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION	
<i>BE</i>	217	AES Presentations		AES Preprints	
<i>BE</i>	218	Brochure; Overview articles, etc on PAN	PAN Network		
<i>BE</i>	219	Brochure: NERAC			
<i>BE</i>	220	CompuSonics DSP-1000 World's First DARPS		CompuSonics Advertisement	
<i>BE</i>	221	We Mean Business	C.S. Kaplan	Con. Elec. Daily, May 10, 1984	
<i>BE</i>	222	Letter to Shareholders	D. Schwartz	CompuSound, Inc. January 6, 1984	
<i>BE</i>	223	Letter to Shareholders	D. Schwartz	CompuSound, Inc., April 6, 1984	
<i>BE</i>	224	Letter to Shareholders	D. Schwartz	CompuSound, Inc., July 16, 1984	
<i>BE</i>	225	Letter to Shareholders	D. Schwartz	CompuSound, Inc., May 31, 1985	

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
bc	226	Manufacturing Update		Audio Video Inter. June 1984
bc	227	CompuSonics Fuses Computer, Audio Into "Worlds First" HDR	M. Golden	CES Trade News Daily, June 4, 1984
bc	228	Digital Sound Now on Computer Disks	S. Booth	Consumer E'ec. Daily, June 3, 1984
bc	229	CompuSonics Readies Floppy disc to record.....		HFS Newspaper, June 4, 1984
bc	230	Floppy disc may be the next music Makers		Business Week, May 28, 1984
bc	231	CompuSonics: Another Digital Audio Std	N. Weinstock	MIX, August 1984
bc	232	The State of RCA		TV Digest, May 21, 1984
bc	233	CompuSonics DSP-1000....		CES Exhibition - D&E, 1984
bc	234	Optical -Disk based Digital Audio System	B. Robinson	Electronic Engineering Times, September 1, 1986
bc	235	Brochure - CompuSonics DSP-1000		CompuSonics Corp.
bc	236	Business Plan Overview		CompuSonics, Corp., June 14, 1984
bc	237	CompuSonics Corp. Corporate Profile		Audio Video International
bc	238	Toward Electronic Delivery of Music	J.P. Stautner	CompuSonics Corp.
bc	239	Company sees Future in Digital	J. Hendon	Rocky Mountain News, July 22, 1984
bc	240	Floppy-Disk Audio System	A. Mereson	Science Digest, November 1984
bc	241	Recording Music on Floppy Discs	A. Zuckerman	High Technology, May 1984

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>DS</i>	242	Digital Recording System Uses floppy - discs		Audio Times, May 1984
<i>DS</i>	243	Brochure		Compusonics Corp.
<i>DS</i>	244	Hi-Fi Floppy	CADES	P.C. World, April 1985
<i>DS</i>	245	New Hi-Fi Horizons	D. Canada	Stereo Review, December 1984
<i>DS</i>	246	Specs. And Implem. of computer Audio console for Digital Mixing and Recording	D. Schwartz	AES 76th Convention, NYC, June 20, 1984
<i>DS</i>	247	A High Speed Telecommunications Interface for Digital Audio Transmission and Reception	H. H. Sohn	Compusonics Corp.
<i>DS</i>	248	The Audio Computer and its applications	Schwartz & Stautner	Compusonics Corp.
<i>DS</i>	249	Engineering Your Own Digital Audio Broadcast System	D. Schwartz	Compusonics Corp.
<i>DS</i>	250	Memo: To Mr. Kapp; from D. Schwartz	D. Schwartz	CompuSonics Corp., April 26, 1990
<i>DS</i>	251	CompuSonics DSP 2002 - Preliminary User Manual		CES, June 1984
<i>DS</i>	252	Digital Mark. Corp. Video Real Estate System	JPS	CompuSonics Corporation
<i>DS</i>	253	Memo: to Holmbraker et al.	D. Schwartz	CompuSonics Corporation
<i>DS</i>	254	Assembly Procedure for DS 1500		CompuSonics Corporation

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
<i>BC</i>	255	Application Notes: CSX Digital Signaling Processing		CompuSonics Corporation
<i>BC</i>	256	DMS Lecture		Compusonics Corporation, 1991
<i>BC</i>	257	Application Notes: DSP 1000 Digital Audio Disc Recorder		Compusonics Corporation
<i>BC</i>	258	Automated Merchandising System for Computer Software, Patent #4,949,257	Orbach	USPTO
<i>BC</i>	259	Letter to E. Kraeutler, Esq. Re: CDNNews/Liquid Audio	I. Gross	Wilson, Sonsini, Goodrich and Rosati - April 14, 2000
<i>BC</i>	260	Patent License Agreement	Schoen & Hooban	Ergon Technology Associates Corp.
<i>BC</i>	261	The Home Terminal		IRD, Inc., August 1978
<i>BC</i>	262	RoIm Plugs CBX Into		EMMS - May 2, 1983
<i>BC</i>	263	Employee Non-Competition Agreement		CDNow, Inc.
<i>BC</i>	264	Letter to D. Berl, Esq.	K.J. Choi	Lucent Technologies
<i>BC</i>	265	Video Explosion on the way for buyers	M. Galligan	US News and World Report, June 18, 1984
<i>BC</i>	266	Hi-Fi in the '80's : Not only Alive and well.....	L. Feldman	Information Access Co., July 1984
<i>BC</i>	267	The Search for the Digital Recorder	B. Dumaine	Time, Inc., November 12, 1984
<i>BC</i>	268	Ultimate Integration: Putting Software theory into.....	J. Balga	Information Access Co., February 12, 1985

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<i>RA</i>	269	Technology Review	R. Welch	The American Banker, December 12, 1986
<i>RA</i>	270	Remembering the Gameline	D. Skelton	www.mindspring.com
<i>BL</i>	271	Gameline Module links with game bank	D. Burns	www.atarimagazines.com
<i>BL</i>	272	Allison 7 Video	Allison	EE 380 2/18/87
<i>RA</i>	273	Telesoftware - Value Added Teletext	J. Hedger	IEEE Transactions on Consumer Electronics; Feb 1980, Volume CE-26
<i>RA</i>	274	Telesoftware: Home Computing Via Broadcast Teletext	J. Hedger	IEEE Transactions on Consumer Electronics; July 1999, Volume CE-25, No. 3
<i>RA</i>	275	The Future of Television as The Home Communications Terminal		International Resource Development Inc., August 1981 (CDN 23101 - 23109)
<i>RA</i>	276	Videogames & Electronic Toys	<u>note</u>	International Resource Development, INC May 1983 (CDN 023054)
<i>RA</i>	277	Telepay vs. Videodisc		International Resource Development INC., September 1982 (CDN 023068)
<i>RA</i>	278	Health, Wealth & Self-Improvement Home Software		International Resource Development INC., September 1985 (CDN 023091)
<i>RA</i>	279	Telecommunications Market Opportunities		International Resource Development INC., November 1985 (CDN 023110-023138)
<i>BL</i>	280	VideoPrint (Contents)		June 22, 1983 (CDN 023139-23142)

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

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>PL</i>	292	Jukebox History 1934-1951		(CDN 023167-23173)
<i>PL</i>	293	New Music Box (Keyboard and Tactile Interfaces)		October 1999 (CDN 023174-23180)
<i>PL</i>	294	Britannica.com (telharmonium)		(CDN 023181)
<i>PL</i>	295	Book Review (Magic Music from the Telharmonium)	Paul Hertz	The Scarecrow Press, Inc.,(CDN 023182)
<i>PL</i>	296	Thaddeus Cahill (Dynamophone/Telharmonium) 1897		(CDN 023183-23186)
<i>PL</i>	297	Thaddeus Cahill and the Telharmonium (electric instrument)		(CDN 023187-23189)
<i>PL</i>	298	Style (The Latest Technology)	Richard Harrington	June 28, 1981 (CDN 023190-23191)
<i>PL</i>	299	Financial		October 13, 1981 (Tuesday) (CDN 023192)
<i>PL</i>	300	Labels Gear Up For "Home Music Store"	Earl Paige Ken Terry Bill Holland	April 6, 1991 (CDN 023193-23194)
<i>PL</i>	301	ABSTRACT (Home Music Store)	Laura Landro	October 14, 1981 (Wednesday) (CDN 023195)
<i>PL</i>	302	Washington Business (Music From the Skies Promised By Firm Serving Cable Users)	Scott Chase	October 19, 1981 (Monday) (CDN 023196)
<i>PL</i>	303	Arts and Leisure Desk (Sounds: The Record)	Hans Fantel	November 22, 1981 (Sunday) (CDN 023197)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		Shop Of The Future May In Your Parlor)		023197-23199)
BL	304	MEDIA & ADVERTISING (What is stalling the record business)		November 30, 1981. (Industrial Edition) (CDN 023200-23202)
BL	305	Financial Desk (CABLE TV MOVES TO THE MUSIC	Andrew L. Yarrow	July 4, 1982 (L. City Final Edition) (CDN 023203-23204
BL	306	TSC WRITE-UPS		(CDN 023552)
BL	307	Telephone Software Connection, Inc. (The Hayes Micromodem II)		(CDN 023553-23554
BL	308	TSC Bibliography (CALL-APPLE)		(CDN 023556-23567)
BL	309	COMPUTERS (TELEPHONE SOFTWARE CONNECTION)		(CDN 023559)
BL	310	ARTICLE REFERENCES (NOW YOUR HOME)		POPULAR MECHANICS, March 1981. (CDN 023555-23568)
BL	311	Buyers Guide (BRANCH CENTERS)		(CDN 023569-23570)
BL	312	News Link (Software delivery now at 2400 baud)		December 1985. (CDN 023571)
BL	313	TELEPHONE SOFTWARE CONNECTION		(CDN 023572-23573)
BL	314	Software (Online Tip)		(CDN 023574)
BL	315	TELECOMMUNICATING (PC-TALK.III)		(CDN 023575)
BL	316	POLL(Adults believe children know more	Lawrence	October 16, 1985. (CDN 023576)

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

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

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<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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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 THUNDERLOCK PLUS)		(CDN 023736)
<i>BL</i>	378	THUNDERCLOCK PLUS (USER'S		(CDN 023737)

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

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

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
BL	401	MARKETING (Makers Transform the Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 023822)
BL	402	LETTER PERFECT DATA PERFECT EDIT 6502 (LETTER PERFECT)		(CDN023823-23826)
BL	403	PATCHING DOS THE EASY WAY	Leighton Paul	(CDN 023827)
BL	404	Display: TOGETHER, LOCKSMITH, THE INSPECTOR AND WATSON		(CDN 023828)
BL	405	ELECTRONIC MAIL SYSTEM ENHANCES DELPHI METHOD	Bernard S. Husbands	1982 (CDN 023829-23832)
BL	406	NEW PRODUCTS (Save Civilization in Your Spare Time)		May 1982 (CDN 023833-23843)
BL	407	JUST A CALL AWAY (Dial Up Software Service)		(CDN 023844)
BL	408	Display: RADIO & RECORDS		(CDN 023845)
BL	409	Display: SHE'S NO STRANGER NOW		(CDN 023846)
BL	410	Radio & Records: Letter to ED Magnin	Pam Bellamy	April 22, 1982 (CDN 023847)
BL	411	How to buy a personal computer (Here We Go Again)		(CDN 023849-23850)
BL	412	What's New? (Overlay Compiler)		March 1982 (CDN 023851-23852)
BL	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 023862-23870) 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 TYPIST		(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 : IV'E 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
<i>BE</i>	471	Display: THE FP REPORT		(CDN 024018) TELEPHONE SOFTWARE CONNECTION. INC.
<i>BE</i>	472	Display: ORDER VIA MODEM		(CDN 024019)
<i>BE</i>	473	PRICE LOG		June 2, 1982 (CDN 02492023422)
<i>BE</i>	474	PRICE LOG CONT.)		October 21, 1982 (CDN 024023)
<i>BE</i>	475	Display: TELEPHONE SOFTWARE CONNECTION (ADDRESS POSTAGE)		(CDN 024024-24025)
<i>BE</i>	476	TELEPHONE SOFTWARE CONNECTION (Letter to Apple Dealer)	Ed Magnin	(CDN 024026)
<i>BE</i>	477	Display (MR. SMARTYPANTS)		(CDN 024028-24030)
<i>BE</i>	478	Display (DISK-CRYPTO)		(CDN 024031-24032)
<i>BE</i>	479	Display (VIDEO LIBRARIAN)		(CDN 024033-24035)
<i>BE</i>	480	Display (WORLD CURRENCY TRADER)		(CDN 024036-24037)
<i>BE</i>	481	Display (WORKING MODEL OF TELEPHONE SOFTWARE)		(CDN 024038)
<i>BE</i>	482	TELEPHONE SOFTWARE CONNECTION (Letter to AppleCat Owner)	Ed Magnin	(CDN 024039-24040)
<i>BE</i>	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>EM</i>	484	SPECIAL MEMO TO EDUCATORS	Ed Magnin	(CDN 024043-24044)
<i>EM</i>	485	TELEPHONE SOFTWARE CONNECTION (BACKGROUND PIECE		(CDN 024045-24049)
<i>EM</i>	486	Display : VEND-O-DISK		(CDN 024050-24052)
<i>EM</i>	487	Letter to Programmer	Ed Magnin	(CDN 024053-24054)
<i>EM</i>	488	NEWS FROM T.S.C.		April 1983 (CDN 024055-24058)
<i>EM</i>	489	NEWS FROM T.S.C.		June 1983 (CDN 024059-24062)
<i>EM</i>	490	WHAT IS VOICEMAIL?		(CDN 024063-24065)
<i>EM</i>	491	TELEPHONE SOFTWARE CONNECTION (INTRODUCTION)	ED Magnin	(CDN 024066-24067)
<i>EM</i>	492	NEWS FROM T.S.C.		October 1983 (CDN 024068-24071)
<i>EM</i>	493	HOW TO ORDER : MODEM		024072-24077)
<i>EM</i>	494	Telecommunication (TELEDELIVERY)		(CDN 024084)
<i>EM</i>	495	NEWS FROM T.S.C.		June 1984 (CDN 024085-24088)
<i>EM</i>	496	PlumbLine (BASE COMPUTERS)		(CDN 024089-24090)
<i>EM</i>	497	NEWS FROM T.S.C.		December 1984 (CDN 024091-24094)
<i>EM</i>	498	NEWS FROM T.S.C.		March 1985 (CDN 024095-24098)
<i>EM</i>	499	Display: PHONE SECRETARY		(CDN 024099-24100)

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

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

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		PROGRAM)		
<i>EM</i>	530	DIALING INSTRUCTIONS		(CDN 024169)
<i>EM</i>	531	Telecommunications Adviser	Ed Magnin	November 1983 (CDN 024170-24171)
<i>EM</i>	532	GETTING ON COMMUNI ((PROVIDERS AND CONSUMERS)	Ed Magnin	March 1984 (CDN 021417224173)
<i>EM</i>	533	ONLINE TIPS		(CDN 024174)
<i>EM</i>	534	Display: List (SOFTWARE SALES)		April 11, 1983 (CDN 024175)
<i>EM</i>	535	A SOFTWARE VENDING MACHINE	Ed Magnin	March 1984 (CDN 024176)
<i>EM</i>	536	MARKETING (Makers Transform the Ways Computer Programs Are Sold)	Susan Chace	August 26, 1982 (CDN 024177) THE WALL STREET JOURNAL
<i>EM</i>	537	TECHNOLOGY (Electronic Software Delivery Threatens Mail and Store Sales)		May 6, 1983 (CDN 024178)
<i>EM</i>	538	Western Union: Mailgram (Letter to Microcomputer User)		(CDN 024179)
<i>EM</i>	539	Apple//c Baud Rate Problem (Dialing Instructions)		(CDN 024180)
<i>EM</i>	540	Display: Recent Offerings		March 1985 (CDN 024181-24184)
<i>EM</i>	541	Letter ti Prometheus Modem Owner	Ed Magnin	(CDN 024185)
<i>EM</i>	542	Display: PHONE SECRETARY// (54)		(CDN 024186-24187)
<i>EM</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>BB</i>	556	"A pilot has to believe in his equipment. (ROLEX)		(CDN 024268)
<i>BB</i>	557	Retailers cheer end of patent challenge	Dan Goodin	April 2, 1999 (CDN 024269-24271)
<i>BB</i>	558	Patently Offensive	Shoshana Berger	(CDN 024272)
<i>BB</i>	559	Magnin & Associates (Video Game, Film & TV)		(CDN 024273-24274)
<i>BB</i>	560	Documents (Appendix F: Decimal Tokens for Keywords)		(CDN 024275-24276)
<i>BB</i>	561	Appendix F: Decimal Tokens For Key words		(CDN 024277)
<i>BB</i>	562	PRIVATE PEOPLE (Easing the way for libel suits)		(CDN 024278)
<i>BB</i>	563	MAY THE SOURCE BE WITH YOU	Christopher Byron	(CDN 024279)
<i>BB</i>	564	INFORMATION SERVICES: MODEMS		(CDN 024280)
<i>BB</i>	565	A SOURCE OF RICHES	Alfred Glossbrenner	August 1983 (CDN 024281-24284)
<i>BB</i>	566	ELECTRONIC JACKPOT	Alfred Glossbrenner	September 1983 (CDN 024285-24287)
<i>BB</i>		CONSUMER AND SPECIALIZED ON-		

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
RL	567	LINE SERVICES		(CDN 024288-24290)
RL	568	CALCULATION PROGRAMS		(CDN 024291-24293)
RL	569	WHAT IS VIEWDATA		CDN 024294-24302)
RL	570	PM ELECTRONICS MONITOR	Neil Shapiro	(CDN 024303)
RL	571	DIAL-UP SOFTWARE NETWORKS	Jules H. Gilder	May 1980 (CDN 024304-24306)
RL	572	SOFTWARE AND DATA VIA TELEPHONE		October 1980 (CDN 024307-24310)
RL	573	DIAL-UP SOFTWARE NETWORKS	Herb Friedman	October 1992 (024311-24314)
RL	574	Documents (Ticketmaster to Lick Competition by Buying It)		(CDN 024315-24316)
RL	575	TICKETMASTER (memo)	Alan Citron Michael Cieply	February 26, 1991 (CDN 024317-24318) Los Angeles Times
RL	576	TICKETMASTER: 20 Years (INDUSTRY'S #1 HAS A TICKET TO RULE)	Adam Sandler	(CDN 024319-24321)
RL	577	ELECTRONIC LIFE	Michael Crichto	1983 (CDN 024322)
RL	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	SPIDER WEBS (PIERRE TEILHARD 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>JS</i>	591	SATELLITE AGE (Chapter Fourteen HOME)		CDN 024356-24366)
<i>JS</i>	592	James Martin & Co. Executive Profiles (James Martin)		October 25, 1996 (CDN 024367-24368) JM & Co.
<i>JS</i>	593	2. NEWS (Dow Jones News/ Retrieval's Free-Text Search)		1985 (CDN 024369-24383)
<i>JS</i>	594	COMPUTERS (TELESUN)		(CDN 024384-24387)
<i>JS</i>	595	16 FULL-SERVICE (THE SOURCE)		(CDN 024388-24408)
<i>JS</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>JS</i>	597	Article 1 of 25 PATNEWS: Mor PTO gossip on Zache, Edata, Hyatt	Gregory Atharonian	October 18, 1996 (CDN 024411-24412)
<i>JS</i>	598	Display: TSC Review		(CDN 024413)
<i>JS</i>	599	UNITED STATES POSTAL SERVICE (Documents & Letters)		(CDN 024414-24423)
<i>JS</i>	600	THE HOME ACCOUNTANT, REVISITED (Responds to reviews)		(CDN 024424-24426)
<i>JS</i>	601	DFX (Introductions)	Graeme Scott	(CDN 024427-24442)
<i>JS</i>	602	PEELINGS REVIEW (Introductions)		November 12, 1982 (CDN 024443)
<i>JS</i>	603	PELLINGS II (Programmers Library)		NOVEMBER 10, 1982 (CDN 024444-24454)

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

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>RF</i>	608	Apple-Cart (Input From Readers)	Chuck Carpenter	(CDN 024501-24503) CREATIVE COMPUTING
<i>RF</i>	609	CALL-APPLE (THE TELEPHONE SOFTWARE EXPERIENCE A REVIEW (OF SORT))	Val Golding	(CDN 024504)
<i>RF</i>	610	SOFTALK (Peachy Writer)		September 1982 (CDN 024505)
<i>RF</i>	611	SOFTALK (Preformer Printer Format Board)		(CDN 024506)
<i>RF</i>	612	Extra Copy RE: KM		(CDN 024507-24508)
<i>RF</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>BS</i>	614	MARKETING (SOME COMPUTER JUNKIES)	Susan Chace	August 26, 1982 (CDN 024510) THE WALL STREET JOURNAL
<i>BS</i>	615	EXTRA		(CDN 024511)
<i>BS</i>	616	New Products (Save Civilization in Your Spare Time)		May 1982 (CDN 024512) POPULAR COMPUTING
<i>BS</i>	617	EXTRA		(CDN 024513)
<i>BS</i>	618	What's New? (Overlay Compiler)		March 1982 (CDN 024514)
<i>BS</i>	619	The Information Directory Says It All! (SUBJECT INDEX)		(CDN 024515)
<i>BS</i>	620	Tap New Markets! (Information Directory)		(CDN 024516)
<i>BS</i>	621	THE 21ST CENTURY LIBRARY (Information Directory)	Anne M. Helfrich	March 16, 1982 (CDN 024517-24524)
<i>BS</i>	622	ELECTRONIC MAIL (APPLICATIONS FOR MANAGEMENT)		(CDN 024525-24534)
<i>BS</i>	623	InfoWorld (AVL Eagle)		October 19, 1981
<i>BS</i>	624	TSC (MICROCOMPUTING)		October 15, 1981 (CDN 024536)
<i>BS</i>	625	ELECTRONIC DISTRIBUTION (Trial Builder)		(CDN 024537-24546)
<i>BS</i>	626	MUSIC (Honey. They're Downloading Our Song)	Patrick M. Reilly	(CDN 024547-24548)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>DL</i>	627	WHO'S NEWS (Foundation Health Names Malik Hasan As CEO and President)		May 13, 1997 (CDN 024549)
<i>DL</i>	628	INDUSTRY FOCUS (Middlemen Find Ways to Survive Cyberspace Shopping)	David Bank	December 12, 1996 (CDN 024550)
<i>DL</i>	629	Egghead Inc. Ships Software Over Internet (Ingram Micro Inc.)	David Bannk	November 8, 1996 (CDN 024551)
<i>DL</i>	630	Tom Clancy, Virtus Start Firm for On-Line Games		November 13, 1996 (CDN 024552)
<i>DL</i>	631	N2K Hires Phil Ramone to Start Up A Music Label Linked to the Internet	Patrick M. Reilly	November 18, 1996 (CDN 024553)
<i>DL</i>	632	BUSINESS BRIEFS (AT&T UNVEILS A SERVICES TO HELP BUSINESSES SET UP SHOP ON INTERNET)	James Sanberg	October 9, 1996 (CDN 024554)
<i>DL</i>	633	TECHNOLOGY & HEALTH (Industry. Net Customers to Be Offered On-Line Payment Services From PNC)	Raju Narisetti	September 25, 1996 (CDN024555)
<i>DL</i>	634	Vague New World (Digital Media Business Takes Form as a Battle Of Complex Alliances)		(CDN 024556-24558)
<i>DL</i>	635	Music Firms Vow to Block New CD System	Meg Cox	May 14, 1993 (CDN 024559-24560)
<i>DL</i>	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 Maguin	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)

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Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
		To Distribute Video Games By Telephone		
<i>BL</i>	681	ELECTRONIC(PULLING THE PLUG ON ELECTRONIC PUBLISHING)		(CDN 024764-24766)
<i>BL</i>	682	SOFTWARE (SOFTWARE DIRECTORIES GO ON-LINE)	Joanne Gamlin	(CDN 024767-24780)
<i>BL</i>	683	SAY IT WITH REMOTE ROM SOFTWARE DELIVERY (Looking Ahead With Software News)		(CDN 024781)
<i>BL</i>	684	IT'S NOT THE SAME OLD 'HELP' ANYMORE (Buzz Word)	Mary-Beth Santarelli	(CDN 024782)
<i>BL</i>	685	ARE YOU GETTING READY FOR ELECTRONIC SOFTWARE DELIVERY?	Richard Lewis	February 1984 (CDN 024783-24788)
<i>BL</i>	686	Hammerly files suit against PC Telemart		(CDN 024789)
<i>BL</i>	687	MICRO SOFTWARE TODAY (EDUCATION: ENTERTAINMENT)		(CDN 024790)
<i>BL</i>	688	DISTRIBUTION & RETAILING (XANTE TO DISTRIBUTE SOFTWARE ELECTRONICALLY TO MASS MERCHANTISERS)		(CDN 024791)
<i>BL</i>	689	SYSTEMS : Software Engineering (Letter from Phil Klamun)	Phil Klamun	January 20,1984 (CDN 024792)
<i>BL</i>	690	ROM-LABS (ELECTRONIC SOFTWARE DISTRIBUTION SYSTEM)		January 3,1984 (CDN 024793-24802)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<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)

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>EM</i>	720	CERTIFICATE OF COPYRIGHT REGISTRATION (TELEGAMMON)	Anton Dahbura, JR.	(CDN 025096-25139)
<i>EM</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>EM</i>	722	CERTIFICATE OF COPYRIGHT REGISTRATION (PHONE SECRETARY II)	Edgar J. Magnin	September 6, 1983 (CDN 025213-25253)
<i>EM</i>	723	CERTIFICATE OF COPYRIGHT REGISTRATION (FIFTEEN. PUZZLE)	Edgar J. Magnin	7, 1985 (CDN 025254-25313)
<i>EM</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>EM</i>	725	RECEIPT FOR CERTIFIED MAIL (CERTIFICATE OF COPYRIGHT REGISTRATION (PICTURE PUZZLE PROGRAMS)	Edgar J. Magnin	(CDN 25345-25380)
<i>EM</i>	726	CERTIFICATE OF COPYRIGHT REGISTRATION (QUICK COMPARE)	Leighton Paul	(CDN 025381-25405)
<i>EM</i>	727	Telephone Software Connection, Inc. (PROGRAM LISTING)		(CDN 025406-25408)

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BE</i>	728	SERIAL LISTING		(CDN 025409)
<i>BE</i>	729	SERIAL LISTING (CONT)		(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)

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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. Macdonald	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

Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
				May, 1983 CDN025895
<i>AS</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>AS</i>	754	Letter to Shareholders	D. Schwartz	CompuSonics CDN026261
<i>AS</i>	755	From the News Desk		InfoWorld Newsweekly, June 4, 1984 Volume 6, Issue 23 CDN026263
<i>AS</i>	756	Manufacturing Update		International Audio Video, June 1984 CDN026264
<i>AS</i>	757	CompuSonics Pro Equipment & Services		Cover of Billboard Newspaper CDN026265
<i>AS</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>AS</i>	759	Digital Sound Now On Computer Disks	S. Booth	Consumer Electronics Show Daily June 3, 1984 CDN026267
<i>AS</i>	760	CompuSonics Readies 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>BL</i>	761	Technology Awards to CompuSonics		CDN026269
<i>BL</i>	762	CompuSonics DSP 1000 Digital Audio Disk Recorder Specifications		CompuSonics Corporation CDN026270
<i>BL</i>	763	CompuSonic Bows Totally Digital		Pro Sound News, New York, NY June 8, 1984
<i>BL</i>	764	Floppy Disks May Be the Next Music Makers		Business Week May 28, 1984 CDN026272
<i>BL</i>	765	Studio Design Special		Mix - The Recording Industry Magazine August 1984
<i>BL</i>	766	CompuSonics: Another Digital Audio Standard	N. Weinstock	Mix, Vol. 8, No. 8, p. 24 CDN026274
<i>BL</i>	767	CompuSonics: Another Digital Audio Standard	N. Weinstock	Mix, Vol. 8, No. 8, p. 26 CDN026275
<i>BL</i>	768	CompuSonics Readies Floppy Disk to Record and Play Back Music		HFD, Electronics, Section 1 June 4, 1984 CDN026276
<i>BL</i>	769	The State of RCA		TV Digest, p. 14 May 21, 1984 CDN026277
<i>BL</i>	770	Display - CompuSonics Photographs		CDN026278

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<i>BJ</i>	771	Display - CES Exhibition Design and Engineering 1984		CDN026280
<i>BJ</i>	772	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation CDN026281
<i>BJ</i>	773	Article - Watch Out Digital Discs: Here Comes Floppy Audio		Unknown
<i>BJ</i>	774	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation
<i>BJ</i>	775	Optical-Disk-Digital Audio System Premieres	B. Robinson	Electronic Engineering Times, Issue 397 September 1, 1986 CDN026284
<i>BJ</i>	776	Specifications - CompuSonics DSP 1000 Digital Disk Recorder/Player		CompuSonics Corporation
<i>BJ</i>	777	CompuSonics Business Plan Overview		June 14, 1984 CDN026286
<i>BJ</i>	778	Cover - Fortune Magazine		November 12, 1984 CDN026289
<i>BJ</i>	779	Advertisement - CompuSonics Corporate Profile	D. Schwartz	AudioVideo International CDN026290
<i>BJ</i>	780	Toward Electronic Delivery of Music: Sending and Receiving High Fidelity Digital Music	J. Stautner	CompuSonics Corporation CDN026291
<i>BJ</i>	781	Company Sees Future in Digital Recorders	J. Hendon	Rocky Mountain News

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








DC01 363825 v 1

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<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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Examiner's Initials	TAB NO	DESCRIPTION	AUTHOR	PUBLICATION
<i>BR</i>	802	Provide the In-Home Music Taper with a Wide Variety of Source Material	CompuSonics	CDN026368
<i>BR</i>	803	Pay Per Listen Cable Audio System - Audio Database Format Options	CompuSonics	CDN026374
<i>BR</i>	804	Pay Per Listen Cable Audio System - Billboard Top 100 LPS Format	CompuSonics	CDN026375
<i>BR</i>	805	Pay Per Listen Cable Audio System - Program Publication Options	CompuSonics	CDN026379
<i>BR</i>	806	Letter to Shareholder from D. Schwartz	D. Schwartz	November 21, 1984 CDN026381
<i>BR</i>	807	Letter to Shareholder from D. Schwartz	D. Schwartz	October 10, 1985 CDN026382
<i>BR</i>	808	Display Photograph		CDN026384
<i>BR</i>	809	Display Photograph		CDN026385
<i>BR</i>	810	CompuSonics DSP2002 Preliminary User Manual		CDN026386
<i>BR</i>	811	Display - Hardware Spec		CDN026387
<i>BR</i>	812	Internal Data		CDN026388
<i>BR</i>	813	DSP-1000 Series		CDN026389
<i>BR</i>	814	Digital Marketing Corporation Video Real Estate System		June 7, 1986 CDN026390

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
<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

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
	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
<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

Examiner's Initials	TAB NO.	DESCRIPTION	AUTHOR	PUBLICATION
				CDN026811
<i>BL</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>BL</i>	839	HOME TELECOMMUNICATIONS IN THE 1980's		International Resource Development, Inc. April 1980, Report 150 CDN026812
<i>BL</i>	840	THE FUTURE OF TELEVISION		International Resource Development, Inc. August 1981, Report 176 CDN026914
<i>BL</i>	841	HEALTH, WEALTH & SELF-IMPROVEMENT HOME SOFTWARE		International Resource Development, Inc. September 1985, Report 670 CDN026935
<i>BL</i>	842	TELECOMMUNICATIONS MARKET OPPORTUNITIES		International Resource Development, Inc. November 1985, Report 676 CDN026955
<i>BL</i>	843	TELEPAY VS. VIDEODISC		International Resource Development, Inc. September 1982, Report 510 CDN027013
<i>BL</i>	844	VIDEOGAMES & ELECTRONIC TOYS		International Resource Development, Inc. May 1983, Report 550 CNDN027034
<i>BL</i>	845	DELIBERATELY LEFT BLANK		

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

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

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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

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AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): **Arthur R. Hair**

Docket No.

219099/734

Serial No.
90/007,403

Filing Date
31 January 2005

Examiner
Benjamin E. Lanier

Group Art Unit
2132

66548

U.S. PTO

System for Transmitting Desired Digital Video or Audio Signals



12/27/05

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	27 -	34 =	0 x	\$50.00	\$0.00
INDEP. CLAIMS	5 -	5 =	0 x	\$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- 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 _____ 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
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

Telephone: 215.988.3392

Customer Number: 23973

CC:

I certify that this document and fee is being deposited on _____ 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.

219099/734

Serial No.

90/007,403

Filing Date

31 January 2005

Examiner

Benjamin E. Lanier

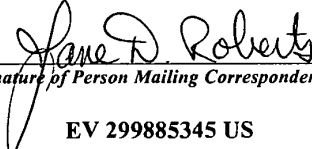
Group Art Unit

2132Invention: **System 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-E;
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 299885345 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

66548 U.S. PTO

Change of Entity Status



12/27/05

<u>US 5,675,734</u>	<u>3002</u>	<u>2132</u>
US PATENT NUMBER	CONFIRMATION NO.	ART UNIT
<u>90/007,403</u>	<u>31 January 2005</u>	
RE-EXAM CONTROL NO.	FILING DATE	

System 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 299885345 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**
DRINKER BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: (215) 988.3392
Fax: (215) 988.2757

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: 66548 U.S. PTO)
ARTHUR R. HAIR )
12/27/05)
Reexamination Control No. 90/007,403)
Reexamination Filed: January 31, 2005) SYSTEM FOR TRANSMITTING
Patent Number: 5,675,734) DESIRED DIGITAL VIDEO OR
Examiner: Benjamin E. Lanier) AUDIO SIGNALS
)

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 remarks:

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-4, 6-19, 22-25, 28 and 31-34 are currently active. Claims 1-4, 6-19, 22-25, 28 and 31-34 have been rejected.

There have been no amendments to the claims with this response.

Rejection For Non-Statutory Obviousness-Type Double-Patenting

In the most recent Office Action in reexamination 90/007,403 (the “403 Reexam”), Claims 1-4, 6-19, 22-25, 28 and 31-34 of U.S. Patent Number 5,675,734 (the “734 Patent”) have been rejected under the judicially created doctrine of obviousness-type double-patenting over Claims 1-6 of U.S. Patent Number 5,191,573 (the “573 Patent”), which is co-pending reexamination 90/007,402 (the “402 Reexam”) in combination with Gallagher and Ohta, and separately over Claims 1-63 of U.S. Patent Number 5,966,440 (the “440 Patent”), which is co-pending reexamination 90/007,407 (the “407 Reexam”) alone.

Applicant submits that these double-patenting rejections are improper as applied to the instant claims for the reasons set forth below. Applicant therefore respectfully requests that the rejections be withdrawn.

Obviousness-Type Double-Patenting Is Not A New Issue Related To Patentability And Is Therefore Inappropriate In The Instant Reexamination

Applicant respectfully submits that it is not appropriate to consider and assert obviousness-type double-patenting in the present reexamination because it does not present a “substantial new question of patentability.”

During the prosecution of the applications that eventually resulted in the ‘440 and ‘734 Patents, both applications were co-pending before the same Examiner. Indeed, the same Examiner who issued the ‘440 Patent and the subject ‘734 Patent also issued the ‘573 Patent.

The Examiner in each case therefore was well aware of the scope of the claims in each application and the patents that issued from those applications. This by itself indicates the issue of double-patenting was before the Examiner in the original examination of the subject '734 Patent, and therefore does not present a "substantial new question of patentability."

35 U.S.C. § 303 permits the Director to "determine whether a substantial new question of patentability is raised." While the fact that a patent or printed publication was previously cited or considered may not preclude the existence of a substantial new question of patentability in some circumstances, the plain language of the statute nonetheless requires that the *question of patentability* raised must be new. Applicant therefore believes it is improper on reexamination to re-raise a ground for rejection that was already addressed by the Examiner in the original examination of the patent(s) at issue. Moreover, Applicant believes the case law squarely support's Applicant's position on this point. See *In re Recreative Technologies Corp.*, 83 F.3d 1394, 1398 (Fed. Cir. 1996) ("Reexamination is barred for questions of patentability that were decided in the original examination.")

In the present case, the prosecution history of the '734 Patent shows unequivocally that Applicant's attorney *specifically requested* that the Examiner consider any issues of double-patenting that may result from the issuance of the '734 Patent. The Applicant's attorney expressly stated to the Examiner:

"Applicant requests the Examiner to review any double patenting possibility of the above-identified patent application in regard to U.S. Patent 5,191,573. If the Examiner determines there is no need for any double patenting concern, the applicant requests that the Examiner deem this request to consider double patenting as moot."
(Response to Office Action filed by Ansel Schwartz July 13, 1994).

Further, in the related copending application that resulted in the '440 Patent, the Applicant again brought the issue of double-patenting to the Examiner's attention. Specifically, Applicant's attorney stated to the Examiner:

“Applicant reminds the Examiner of related continuation application 08/607,648 and asks the Examiner to review whether there is any double patenting issue with regard to this application 08/607,648 or parent patent, U.S. Patent No. 5,191,573.”

(Response to Office Action filed by Ansel Schwartz July 3, 1996)

Notwithstanding this express raising of the question twice by Applicant, the Examiner in subsequent Office Actions declined to find an issue of double-patenting in the two co-pending applications that resulted in the issuance of the '734 and the '440 Patents, with respect to each other or the '573 Patent. Thus, the Examiner plainly had the impetus and the opportunity to make a double patenting rejection had the Examiner felt it was warranted. It therefore follows, *a fortiori*, that the question of double-patenting cannot, as a matter of law and fact, present a “substantial new question of patentability” in the present proceedings.

Moreover, Applicant respectfully submits that Applicant was and is entitled to rely on the Examiner's declining to make a rejection for double-patenting in response to the Applicant's specific request to consider the issue. Applicant should not now be forced to face that same issue in the instant reexamination. That is exactly what 35 U.S.C. § 303 is intended to avoid. Indeed, as recognized by the Court of Appeals for the Federal Circuit (“CAFC”) in *Recreative Technologies*, the “substantial new question requirement would protect patentees from having to respond to, or participate in unjustified reexaminations. Further, it would act to bar

reconsideration of any argument already decided by the Office” and, as a result, “the statute [35 U.S.C. § 303] guarded against simply repeating the prior examination on the same issues and arguments.” *Id.* at 1397.

Applicant therefore respectfully submits that the issue of double-patenting over the ‘573 and ‘440 Patents was properly before the Examiner and passed on by the Examiner during the original prosecution of the ‘734 Patent. Applicant submits that, under the plain meaning of the statute, and the CAFC’s holding in *Recreative Technologies*, double-patenting, under the present circumstances, is not a “substantial new question of patentability” within 35 U.S.C. § 303, and therefore is not a proper issue to be considered in this reexamination. Applicant therefore respectfully requests that the rejection of Claims 1-4, 6-19, 22-25, 28 and 31-34 for obviousness-type double-patenting over Claims 1-6 of the ‘573 Patent in combination with Gallagher and Ohta, and over Claims 1-63 of the ‘440 Patent, be withdrawn.

Issuance Of The ‘734 Patent Will Not Result In A Timewise Extension Of The ‘440 Patent

The basic concept of double patenting is that the same invention cannot be patented more than once, which, if it occurred, would result in a second patent that would expire some time after a first patent expired, thereby extending the first patent’s protection timewise. *General Foods Corp. v. Studiengesellschaft Kohle mb H*, 972 F.2d 1272, 1279-80, 23 USPQ2d 1839, 1845 (Fed. Cir. 1992); *In re Kaplan*, 789 F.2d 1574, 1579-80, 229 USPQ 678, 683 (Fed. Cir. 1986).

Applicant respectfully submits that issuance of Claims 1-4, 6-19, 22-25, 28 and 31-34 will not result in a timewise extension of the ‘440 Patent in the present case.

The ‘734 Patent expires *before* the ‘440 Patent. Thus, any patent issuing from the instant

reexamination will have a term ending before that of any patent issuing from the co-pending '407 Reexam. Therefore, even if the claims of the '734 Patent and '440 Patent were co-extensive -- which they are not -- allowing the '734 Patent to issue would *not* result in a timewise extension of the protection of the '440 Patent. Applicant therefore respectfully submits that a double-patenting rejection of Claims 1-4, 6-19, 22-25, 28 and 31-34 over Claims 1-63 of the '440 Patent under these circumstances is improper and Applicant requests that the Examiner withdraw the rejection.

The Rejection Of Claims 1-4, 6-19, 22-25, 28 And 31-34 Over Claims 1-63 Of The '440 Patent Alone Is Improper In An Obviousness-Type Double-Patenting Rejection

Claims 1-4, 6-19, 22-25, 28 and 31-34 of the '734 Patent have been rejected over Claims 1-63 of the '440 Patent without any citation to prior art or the knowledge of those having ordinary skill in the art. Applicant respectfully traverses this rejection, on the grounds that a rejection for obviousness-type double-patenting that is unsupported by some suggestion in the prior art, or the knowledge of one having ordinary skill in the art, is improper.

The Board of Patent Appeals and Interferences (the "Board") dealt with this very same issue in *Ex parte Schmit*, 64 USPQ2d, 1723. In *Schmit*, the Board reversed a rejection under the doctrine of obviousness-type double-patenting, where the Examiner had relied on a combination of "references" both of which were parents of the application at issue. In its opinion, the Board interpreted its own precedent in *Ex parte Oetiker*, 23 USPQ2d 1651 (Bd. App. 1990), and the precedent of the CAFC, *In re Longi*, 774 F.2d 1100, 225 USPQ 645 (Fed. Cir. 1985). The Board recognized this precedent to "stand for the proposition *that prior art must be cited* to support an obviousness-type double-patenting rejection." *Schmit*, at 1725. (emphasis added) The Board therefore properly held that, "[a]bsent citation of prior art in addition to the base patent, there is

no factual basis for the [obviousness-type double-patenting] rejection.” *Id.* As a result, in the present reexamination, although the claims of the ‘440 Patent can be asserted by the Examiner as a partial basis for an obviousness-type double patenting rejection, the ‘440 Patent cannot *by itself* support such a rejection. See *Ex parte Schmit*, 64 USPQ.2d, 1723; *In re White and Langer*, 405 F.2d 904, 160 USPQ 417 (CCPA 1969) (“Having been copending with the application at bar, appellants’ own patent is not prior art although it is the basis of the double patenting rejection.”); *Research Corporation Technologies, Inc. v. Gensia Laboratories, Inc.*, 10 Fed.Appx. 856, 2001 WL 287093 (Fed. Cir. 2001) (“In considering the question [double-patenting], the patent disclosure may not be used as prior art.”)

The instant obviousness-type double-patenting rejection implicitly acknowledges that Claims 1-4, 6-19, 22-25, 28 and 31-34 are not co-extensive with the Claims 1-63 of the ‘440 Patent. Therefore, Applicant respectfully submits that, under *Oetiker* and *Longi*, as adopted by the Board in *Schmit*, it was necessary to show some rationale, either in the prior art, or the knowledge of one having ordinary skill in the art, as to why Claims 1-4, 6-19, 22-25, 28 and 31-34 are obvious over Claims 1-63 of the ‘440 Patent. Since this rationale does not appear of record, Applicant respectfully submits that the instant double-patenting rejection over Claims 1-63 of the ‘440 Patent should be withdrawn.¹

¹ Parenthetically, Applicant notes that *Schmit* was not published as binding precedent of the Board. Nonetheless, for the reasons set forth above, Applicant believes it is abundantly clear that *Schmit* was correctly decided and is supported by the precedent of the CCPA and CAFC. Applicant therefore respectfully suggests that the Examiner should follow the Board’s holding in the present reexamination.

The Rejection Of Claims 1-4, 6-19, 22-25, 28 And 31-34 Over The 'Claims Of The '573 Patent In Combination With Gallagher And Ohta In The Obviousness-Type Double-Patenting Rejection Is Inconsistent With Other Positions Taken By The Examiner

The Examiner has rejected Claims 1-4, 6-19, 22-25, 28 and 31-34 over Claims 1-6 of the '573 Patent in light of Gallagher and Ohta. Applicant respectfully traverses this rejection, on the grounds that the rejection for obviousness-type double-patenting is unsupported by the prior art cited by the Examiner, and is further inconsistent with positions taken by the Examiner in his Section 103(a) rejections of the claims.

Although prior art is cited to support the obviousness-type double patenting rejection in this instance, Applicant respectfully submits that the Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta are insufficient to render Claims 1-4, 6-19, 22-25, 28 and 31-34 obvious.

Applicant bases this position in part on the inconsistency in the arguments made in the Section 103(a) rejections of Claims 1-6 of the '573 Patent in the co-pending '402 Reexam and Claims 1-4, 6-19, 22-25, 28 and 31-34 in the instant reexamination. To clarify this point, Applicant refers to the chart of the rejections of Claims 1-4, 6-19, 22-25, 28 and 31-34 under Section 103(a), attached as Exhibit A. That chart shows the following.

- Claims 1 and 2 are rejected over the combination of Akashi, Freeny, Gallagher and Ohta.
- Claims 11, 12 and 15 are rejected over the combination of Akashi, Freeny, Gallagher, Eggers and Thomas.²
- Claims 3, 4, 6-10, 13, 16-19, 22-25, 28 and 31-34 are rejected over the combination Akashi, Freeny, Gallagher, Ohta, Eggers and Thomas.

² Applicant notes that the instant Office Action contains two rejections of Claim 11; one that includes Ohta, and one that does not. Applicant assumes the rejection that includes Ohta was included in error.

- Claim 14 is rejected over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace.

In rejecting Claims 1-6 of the '573 Patent as obvious under Section 103(a), it was determined that only *two* prior art references were necessary: Akashi and Freeny. However, in rejecting Claims 3-4, 6-19, 22-25, 28 and 31-34 as obvious under Section 103(a), it was determined that it was necessary to cite up to *five additional references*: Gallagher, Ohta, Eggers, Thomas and Chace, in combination with Akashi, Freeny. Applicant therefore respectfully submits that, implicit in these Section 103(a) rejections, is the determination that Claims 3-4, 6-19, 22-25, 28 and 31-34 must recite elements not taught in Claims 1-6 of the '573 Patent, Ohta and Gallagher.

Applicant submits that this inconsistency is fundamentally unfair to Applicant since it is unclear as to just what prior art is necessary to render Claims 1-4, 6-19, 22-25, 28 and 31-34 obvious. Applicant respectfully submits that, if various combinations of up to seven references are necessary to render the majority of Claims 1-4, 6-19, 22-25, 28 and 31-34 obvious under Section 103(a), then, logically, the double-patenting rejection over *only* Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta alone cannot be appropriate.

Notwithstanding The Inconsistency Of The Rejections, The Art Of Record In Combination With Claims 1-6 Of the '573 Patent Is Insufficient To Render Claims 1-4, 6-19, 22-25, 28 and 31-34 Obvious

Notwithstanding the above cited inconsistencies, Applicant submits that, as a matter of fact and law, Claims 1-4, 6-19, 22-25, 28 and 31-34 are not obvious over Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta, or any of the other art cited.

With respect to Claims 1 and 2, Applicant respectfully refers the Examiner to Applicant's rebuttal of the rejections under Section 103(a) over the combination of Akashi, Freeny, Gallagher and Ohta, which are set forth on pages 13 to 19, *infra.*, and incorporated herein by reference as if repeated in its entirety. Applicant submits that the same arguments regarding the insufficiency of the combination of Akashi, Freeny, Gallagher and Ohta made with respect to the Section 103(a) rejections, apply equally to the instant double-patenting rejections. As a result, Applicant submits that Claims 1 and 2 cannot be obvious over Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta, as the combination is improper.

Further, Applicant respectfully submits that, if the rejections of Claims 3-4, 6-19, 22-25, 28 and 31-34 for obviousness-type double-patenting had been consistent with the rejections under Section 103(a) -- which they are not for the reasons discussed above -- then Applicant's arguments at pages 13 to 22, *infra*, regarding the insufficiency of the various combinations of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace with respect to the Section 103(a) rejections apply equally to the double-patenting rejections. Applicant therefore incorporates herein by reference, as if repeated in their entirety, those arguments regarding the insufficiency of the various combinations of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace with respect to the Section 103(a) rejections herein by reference as if repeated in their entirety. As a result, Applicant respectfully submits that Claims 3-4, 6-19, 22-25, 28 and 31-34 cannot be obvious over Claims 1-6 of the '573 Patent in combination with any of these references, as the combination is improper.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has cited a minimum of four references (for Claims 1 and 2) and up to seven references (for Claim 14) in various combinations, in an effort to make out a *prima facie* case of obviousness under 35 U.S.C. § 103(a) of the claims under reexamination. As demonstrated in the chart attached as Exhibit A, the majority of the rejections under Section 103(a) (for Claims 3, 4, 6-10, 13, 16-19, 22-25, 28 and 31-34) relies on no less than six references. Applicant respectfully submits that the very number of cited references, in and of itself, is indicative of the non-obviousness of the invention recited in Claims 1-4, 6-19, 22-25, 28 and 31-34.

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 B. 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 1-4, 6-19, 22-25, 28 and 31-34 has been located in this large number of varied references, 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 the various references.³ Because a rigorous showing of teaching or motivation to combine the numerous cited references has not been provided as required by the CAFC, a *prima facie* case of obviousness has not been established.

Turning now to the references cited by the Examiner, Applicant will discuss each and the combinations proposed by the Examiner. Applicant will demonstrate that the references, individually, or in combination, do not establish a *prima facie* case of obviousness. For convenience, Applicant refers the Examiner to the chart of the claims and the references applied in each rejection, attached as Exhibit A. For clarity of presentation, Applicant will discuss the combinations of references proposed and the deficiencies of those combinations by referencing the attached chart for the claims affected.

a) Combination Of Akashi With Freeny

The combination of Akashi with Freeny has been applied to all of Claims 1-4, 6-19, 22-25, 28 and 31-34. Akashi discloses an automated sales system for music on record albums.

³ The ‘734 Patent has a priority date of June 13, 1988. Thus, Applicant’s invention was made at least as early as that date.

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 recordable optical disk that allows data to be read immediately after the data is written. See Akashi Para. 4.

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 C, 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 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.

The combination of Akashi and Freeny also is applied to all of Claims 1-4, 6-19, 22-25, 28 and 31-34 with at least two additional references in each instance. On the above bases alone, Applicant respectfully submits that the combination of Freeny and Akashi cannot, by itself, or in combination with other art, support a *prima facie* case of obviousness of any of Claims 1-4, 6-19, 22-25, 28 and 31-34. This is because any further combination asserted by the Examiner includes the improper combination of Akashi with Freeny. In other words, any further combination of references that includes the failed subcombination of Akashi and Freeny respectively has its chain of references "broken," and therefore cannot stand. Nonetheless, since the Examiner has cited additional art to allege *prima facie* obviousness for all claims, Applicant will for the sake of completeness address such additional references below.

b) Combination Of Gallagher And/Or Ohta With Akashi And Freeny

Gallagher and Ohta are cited by the Examiner for the element of a hard disk as a storage means. The Examiner cites Gallagher to cure the deficiency of Akashi, which does not disclose a hard disk storage for the source of music to be sold. Ohta's disclosure of a personal computer is used to cure the deficiency of Akashi not disclosing a hard disk for storage of music after it is purchased. Gallagher is also cited for the element of a RAM buffer storage and encryption or encoding. Gallagher and/or Ohta are applied to Claims 1-4, 6-19, 22-25, 28 and 31-34. See the

chart attached as Exhibit A. Applicant respectfully submits that the combination of Gallagher and/or Ohta with Akashi and Freeny is insufficient to establish a *prima facie* case of obviousness of any of the foregoing Claims 1-4, 6-19, 22-25, 28 and 31-34.

With respect to Ohta, that reference discloses a magnetic tape cartridge compatible with a disk drive. As stated in the Declaration of Kenneth Pohlmann, Ohta has no relevant disclosure other than a single sentence stating that some computers have hard drives. See Pohlmann Dec. para. 34. From this statement, the Examiner concludes that it would have been obvious to modify Akashi to provide a hard drive for storage of music purchased using the system of Akashi. This analysis does not take account of the fact that the very purpose of the system of Akashi is to provide a means of selling copies of music in the form of CDs or tapes, which can be removed and are portable. Providing a hard drive in the system of Akashi would be contrary to, and in fact defeat, this purpose. The analysis also ignores the requisite inclusion of Freeny in combination with Akashi. Including Freeny with a system as taught in Akashi that has been modified to include a hard disk for storage of purchased music and video would lead to an incongruous result. Freeny explicitly teaches the manufacturing and selling of material objects such as tapes, CDs, greeting cards, maps and sheet music. Freeny, col. 4, lns. 36-55. The use of a hard drive to store the purchased information is wholly unrelated to the goal of manufacturing and selling material objects and is thus contrary to the teaching of Freeny, which requires sale of a material object, purchasable and removable from the point of manufacture. See Pohlmann Dec. para. 15.

With respect to Gallagher, the analysis still does not take account of the fact that Freeny is included in any combination that includes Gallagher. Gallagher teaches a system for

supplying music from a central storage unit to at least one user unit. Individual users produce copies on optical disks or tape at the individual user units. In the first instance, Applicant respectfully submits that Gallagher does not disclose the use of a hard disk to store music at a central storage unit. Gallagher also does not teach that the user unit has a hard disk. See Pohlmann Dec. para. 19. Instead, Gallagher discloses a system with three distinct units; (1) a source unit, which is in the control of a musician, (2) a central storage unit in the control of a music company, and (3) at least one user unit in the control of a user. A close reading of Gallagher reveals that it is the source unit which is disclosed as potentially having a hard disk storage, not the central storage unit, from which users acquire music.

Significantly, Freeny discloses a system where information to be copied at the time of the sale is stored at the point of sale location, not at a remote central database. This is contrary to the concept of both Akashi and Gallagher.

"[I]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of what other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art." *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448 230 USPQ 416, 419 (Fed. Cir. 1986). While an examiner is free to combine as many references as he/she wishes, he/she is not free to simply pluck individual elements from these references, while ignoring their full teachings. See *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ.2d 1780, 1784 (Fed. Cir. 1992) ("[An examiner] cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.") With respect to the combination of Gallagher with Ohta, as discussed above, Ohta contains no teaching whatsoever

regarding the recording of audio or video information. As no other prior art reference or knowledge available to one having skill in the art at the time of Applicant's invention has been cited, no motivation for combining Gallagher and Ohta, much less with Akashi and Freeny has been established. Applicant therefore respectfully submits that Gallagher and Ohta should be withdrawn as references in the present case.

c) Combination Of Eggers, Thomas And/Or Chace With Akashi, Freeny, Gallagher And Ohta

Eggers and Thomas are cited by the Examiner for features of video playback.

Specifically, Eggers is cited for the playback of video on a "computer" monitor, and Thomas is cited for a playback RAM. Chace is cited for the use of a speaker or speakers in conjunction with a personal computer. Eggers, Thomas and/or Chace are applied to Claims 3, 4, 6-19, 22-25, 28 and 31-34.

Eggers, Thomas and Chace all relate to playback of audio and video information. It is asserted by the Examiner that it would be obvious to combine the teachings of these several references with Akashi, Freeny, Gallagher and Ohta. Applicant respectfully submits that this analysis again simply plucks individual elements out of the cited references without regard to the fundamental incompatibility of their teachings with the other applied art. Akashi, Freeny and Gallagher all relate to making recorded copies of information. In Akashi and Gallagher, that information is limited to audio information. None of these references discusses the playing of audio information as it is sent from a central location. In fact, in the case of Freeny, this would interfere with the intended purpose as commercial outlets to sell multiple copies of information, since each customer would be forced to wait as a previous customer viewed or listened to video or audio information.

Eggers is devoted primarily to viewing of video information played from a central library in response to a request from a hotel guest or hospital patient. See Pohlmann Dec. para. 28. Eggers is completely silent as to the permanent copying of the video information by a user for later playback. The reference 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. It 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 Pohlmann Dec. para. 29-30. The primary purpose of the system in Eggers is to provide access to a library of recorded audio or video information, which can be accessed for viewing, but not copying. See Pohlmann Dec. para. 31.

In contrast, Akashi and Freeny are exclusively devoted to recording of information for later playback on a separate system. Although Gallagher does disclose recording and playback, Gallagher still has recording as its primary teaching. No explanation has been provided as to how one having ordinary skill in the art over 17 years ago, at the time of Applicant's invention, would be motivated to combine the teachings of Eggers with any of Akashi, Freeny or Gallagher. Indeed, Applicant respectfully submits that it is not possible to show such a motivation from the prior art, because the immediate play teaching of Eggers is incompatible with the later playback technology of Akashi, Freeny and Gallagher. The only possible source of motivation to combine these references is Applicant's own disclosure, the use of which to provide motivation is improper.

Similarly, there is no motivation presented to combine Thomas with any of Akashi, Freeny or Gallagher. Thomas discloses a method, apparatus and a system for recognizing broadcast segments. The reference teaches that the method, apparatus and system relate to the automatic recognition of broadcast segments, particularly commercial advertisements broadcast by television stations. It also teaches that its object is 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 segments is accomplished by constructing a digital signature from a known specimen of a segment which is to be recognized. See Pohlmann Dec. para. 32. Thomas is completely silent with respect to producing copies from recorded audio or video information in the form of a tape or optical disk. Similarly, Thomas is silent as to playing of audio or video information from a central library in response to a request, as taught by Eggers. See Pohlmann Dec. para. 33.

Finally, Applicant respectfully submits there is no suggestion or teaching in any of the prior art to support the use of Chace. The reference discloses an automated stereo synthesizer for audiovisual programs. See Pohlmann Dec. para. 35. Chace further 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. Chace teaches a conventional television monitor receives the video signals from a VCR and displays the video program on the monitor display screen. A video time code is also displayed in a code display region of the monitor's screen. The working cassette is played by the VCR in order to program the sound cues. The sound cues are a series of

commands which are selected and programmed into a system computer by an operator who watches the video program being displayed on the monitor. These sound cues are used during a playback mode of operation to alter the signals which are produced by a monaural sound track and thus create stereo sound signals. There is no teaching or suggestion whatsoever in Chace regarding the copying of audio or video information, as disclosed in Akashi, Freeny and Gallagher. As a result, Chace has nothing at all to do with the purchase or recording of video or audio information. See Pohlmann Dec. para. 26.

Chace is also unrelated to the system for random access to an audio video data library with independent selection and display at each of a plurality of remote locations taught in Eggers. Likewise, Chace is unrelated to the method, apparatus and system for automatic recognition of broadcast segments, particularly commercial advertisements broadcast by television stations taught by Thomas. As a result, there is no motivation to combine Chace with either of Eggers or Thomas.

Regarding the possibility of combining Ohta with any of Eggers, Thomas or Chace, Applicant again points out that Ohta contains no relevant teachings other than a single sentence stating that some computers have hard disks. See Pohlmann Dec. para. 34. As Ohta is not related to any of the systems taught by Eggers, Thomas or Chace, there would be no motivation to combine Ohta with any of these references.

Again, Applicant respectfully submits that the Examiner has simply pulled single elements out of wholly unrelated references and combined them based on his own knowledge of the invention recited in Claims 3, 4, 6-19, 22-25, 28 and 31-34. For a Section 103 rejection to stand, it must be based on an analysis of what the relevant prior art would teach to one having

ordinary skill in the art at the time of Applicant's invention. See MPEP 2142, *supra*. Because this analysis is missing from the suggested combination of Eggers, Thomas and Chace with the other cited art, a *prima facie* case of obviousness has not been established. Applicant therefore respectfully requests that Eggers, Thomas and Chace be withdrawn as references.

d) The Multiple Combinations Of References Cited By The Examiner Do Not Render Any Of The Claims Obvious

As described above, various combinations of the cited references have been used in an attempt to make out a *prima facie* case of obviousness for each claim. Applicant believes that the Previous discussion has demonstrated it is improper to combine any of the cited references, and thus Applicant has shown that a *prima facie* case of obviousness has not been established with respect to any of Claims 1-4, 6-19, 22-25, 28 and 31-34. Nonetheless, for certainty and clarity, Applicant will now address each rejection made by the Examiner.

Claims 1 and 2 were rejected over the combination of Akashi, Freeny, Gallagher and Ohta. Applicant respectfully submits that based on the improper combination of Akashi and Freeny alone, Claim 49 cannot be obvious. In addition, as discussed in subsection (b), *supra*, the combination of Gallagher with Freeny is improper for the same reason that it is improper to combine Akashi with Freeny. Additionally, Ohta contains no relevant disclosure other than that some computers have hard disks. As a result, there would have been no motivation to combine Ohta with any of Akashi, Freeny or Gallagher, none of which disclose a user unit with a hard drive. For these reasons, Applicant respectfully submits that Claims 1 and 2 are not obvious over the combination of Akashi, Freeny, Gallagher and Ohta.

Claims 11, 12 and 15 were rejected over the combination of Akashi, Freeny, Gallagher, Eggers and Thomas. Applicant again respectfully submits that, based on the improper

combination of Akashi and Freeny, either with or without the improper combination with Gallagher, Claims 11, 12 and 15 cannot be obvious. Applicant further respectfully submits that for the reasons stated in subsections (b) and (c), *supra*, it is improper to combine Thomas with any of Akashi, Freeny or Gallagher. This is because Thomas discloses a method, apparatus and a system for recognizing broadcast segments. Thomas is completely silent with respect to producing copies from recorded audio or video information in the form of a tape or optical disk. As a result, there is no motivation in any of Akashi, Freeny, Gallagher or Thomas to combine their teachings. Further, as set forth in subsection (c), *supra*, it is improper to combine Eggers with either of Akashi or Freeny as there is no motivation in any of the references to combine their teachings. In fact, as shown, the system taught in Eggers is inconsistent the distribution of audio or video information for the purpose of making permanent copies as taught by Akashi and Freeny. Finally, Thomas is wholly unrelated to Eggers, which is devoted primarily to viewing of video information played from a central library in response to a request from a hotel guest or hospital patient. As a result, there is no motivation in either of Eggers or Thomas to combine their teachings. For these reasons, Applicant respectfully submits that Claims 11, 12 and 15 are not obvious over the combination of Akashi, Freeny, Gallagher, Eggers and Thomas.

Claims 3, 4 and 6-10, 13, 16, 17, 19, 22-25, 28 and 31-34 were rejected over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers and Thomas. Applicant again respectfully submits that, based on the improper combination of Akashi and Freeny, either with or without the improper combinations with Gallagher, Ohta, Eggers or Thomas, Claims 3, 4 and 6-10, 13, 16, 17, 19, 22-25, 28 and 31-34 cannot be obvious. Applicant further respectfully submits that, for the reasons set forth in subsections (b) and (c), *supra*, it is improper to combine

Ohta with either of Thomas or Eggers. As set forth above, Ohta contains no relevant disclosure other than an isolated statement that some computers have hard disks. There is no disclosure in Ohta, Thomas or Eggers that would lead one having ordinary skill in the art at the time of Applicant's invention to combine Ohta with Thomas or Eggers. For these reasons, Applicant respectfully submits that Claims 3, 4 and 6-11, 13, 16, 17, 19, 22-25, 28 and 31-34 are not obvious over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers and Thomas.

Claims 14 and 18 were rejected over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace. Applicant again respectfully submits that, based on the improper combination of Akashi and Freeny, either with or without the improper combinations with Gallagher, Ohta, Eggers or Thomas, Claims 14 and 18 cannot be obvious. Applicant further respectfully submits that, for the reasons set forth in subsection (c), *supra*, it is improper to combine Chace with any of Akashi, Freeny, Gallagher, Ohta, Eggers or Thomas. As described above, Chace has nothing at all to do with the distribution or recording of video or audio information as disclosed by Akashi, Freeny and Gallagher. Chace is likewise unrelated to the systems disclosed by Eggers and Thomas. Therefore, there would be no motivation by one having ordinary skill in the art at the time of Applicant's invention to combine any of the teachings of Chace with Akashi, Freeny, Gallagher, Eggers or Thomas. Finally, Ohta contains no relevant disclosure other than that some computers have hard disks. As a result, there similarly would have been no motivation to combine Ohta with Chace. For these reasons, Applicant respectfully submits that Claims 14 and 18 are not obvious over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace.

In view of the foregoing improper combinations of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace, Applicant submits that a *prima facie* case of obviousness has not been established with respect to any of Claims 1-4, 6-19, 22-25, 28 and 31-34. Rather, it appears that the references were surveyed to find individual elements which 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 numerous 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 foregoing burden has been met in the current case. Applicant therefore respectfully requests reconsideration and withdrawal of the rejections of Claims 1-4, 6-19, 22-25, 28 and 31-34 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.⁴

In view of Applicant's arguments refuting the Examiner's rejection of Claims 1-4, 6-19, 22-25, 28 and 31-34 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, 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.

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

⁴ 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 therefore 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 by Arthur R. Hair attached hereto as Exhibit D, Applicant believes it unnecessary to pursue this issue here.

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 1-4, 6-19, 22-25, 28 and 31-34 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 D, the invention has in the past achieved significant commercial success.

Moreover, the invention continues to achieve commercial success in that it has been copied. The features of the invention, generally included in Claims 1-4, 6-19, 22-25, 28 and 31-34, 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., which is attached to this response as Exhibit E. Dr. Tygar is a professor at the University of California, Berkley 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., para. 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 1-4, 6-19, 22-25, 28 and 31-34 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 credit card account and 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 the credit card number, and receives the music file via a download process where an encrypted file is transferred from Napster's server to the buyer's computer. 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., Freney and Akashi. Freney teaches a point-of-sale device (e.g., a kiosk) that dispenses a material object (e.g., tape) containing the music purchased. See Freney, col. 1, line 64 to col. 2, line 12. These features of Freney plainly are not found in Napster. See Tygar Dec., para. 17. Akashi teaches writing data to a digital audio tape recorder or 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 operates. See Tygar Dec. para. 18.

Therefore, it is apparent that Napster chose to copy the system taught by the '734 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 that such selective copying by Napster of the invention recited in Claims 1-4, 6-19, 22-25, 28 and 31-34, 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 present 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.

CONCLUSION

Applicant believes the foregoing remarks have overcome or rendered moot all grounds for rejection. There being no other rejections or objections, Applicant believes 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

A handwritten signature in black ink, appearing to read 'R.A. Koons, Jr.', written over a horizontal line.


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Response in Reexamination No. 90/007,403 was served via First Class United States Mail, postage prepaid, this 27th day of December, 2005, on the following:

Mr. Albert S. Penilla
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By: 
~~Robert A. Koons, Jr.~~
Attorney for Patentee

**CHART OF CLAIMS REJECTIONS
FOR REEXAMINATION 90/007,403**

Claims Rejected	Akashi	Freeny	Gallagher	Ohta	Eggers	Thomas	Chace
1, 2	X	X	X	X			
3, 4, 6-10, 13, 16, 17, 19, 22-25, 28 31-34	X	X	X	X	X	X	
11, 12, 15	X	X	X		X	X	
14	X	X	X	X	X	X	X
18	X	X	X	X	X	X	X

“X” indicates that a reference was applied in rejecting a group of Claims.

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 isicl 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." (Plf.'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. Moorer, 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

store, where the consumer would not have "possession and control" over the device, as required by the Hair Invention. (Tygar Rebuttal at 75-76.)

Defendants correctly point out that in Interactive Gift Express, Inc. v. Compuserve, Inc., 256 F.3d 1323, 1334 (Fed. Cir. 2001), the Court construed "point of sale kiosk" to include a location in a consumer's home, contrary to Dr. Tygar's conclusion that it was limited to a business location. However, 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" on which the information is recorded "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 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 consumer's 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.)

g. The Hellman Patent:

This patent was issued in April 1987 and describes a "software distribution system." (Hayes Decl. Exh. 24, U.S. Patent No. 4,658,093, "the Hellman Patent.") The patent description concentrates on a mechanical means of preventing unauthorized copying. That is, the digital signal downloaded to the customer is never encrypted, per se; instead, the consumer must purchase a specially manufactured base unit which has a built-in decoder key. (Hellman Patent, col. 4, lines 37-63.) In order to playback the software, music or movie the consumer has purchased and downloaded, he initiates another contact to the seller who sends a signal to "unlock" the playback mechanism. In this sense, the Hellman Patent envisions a system more like "pay per view" television in that the copyright holder controls playback, not the consumer. (Defs.' Brief at 12.) As Dr. Tygar points out, the need for a special base unit (as compared to a personal computer) and the lack of control by the consumer both teach away from the Hair invention. (Tygar Rebuttal at 79.)

In sum, Dr. Tygar offers precise reasons why the prior art referenced by Defendants both fails to disclose the elements of the Sightsound Patents and fails to render the Asserted Claims obvious. Some prior art – for instance, the IRD Reports and the Hellman Patent – actually teach away from the Sightsound Patents and would thus discourage one skilled in the art in 1988 from attempting to develop a system or methodology comparable to the Hair invention.

There is another question to be considered, however, and that is whether one skilled in the art would be motivated to combine the teachings of Akashi, PAN, Compusonics and/or other prior art to arrive at the Hair invention. The Federal

Circuit has stated:

Evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be clear and particular.

Winner Int'l, 202 F.3d at 1348-49 (citations omitted).

As noted above, the purpose of the "motivation to combine" requirement is to prevent the use of hindsight based on the invention to defeat its patentability. "In other words, the [party opposing the patent] must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

Dr. Tygar has offered his views as to why none of the prior art references, read in combination with other prior art, would render the Asserted Claims obvious. Moreover, he has put forth several arguments to support the conclusion that some prior art references actually teach away from certain Sightsound elements such as copy protection or a single unit to control all aspects of the consumer's use of the invention. (See, e.g., Tygar Rebuttal at 54-55 (Bowen Article); 64, 66, 67 (IRD Reports); 75-76 (Freeny Patent); 76-78 (Akashi Patent); 78 (PAN); 78 (Compusonics); and 79 (Hellman).) These reasons are sufficiently cogent and well-reasoned that a factfinder could conclude the Sightsound Patents were not obvious.

Furthermore, I find that summary judgment must be denied because there are underlying unresolved questions of fact with regard to evidence of secondary considerations of non-obviousness. Secondary considerations can "provide objective evidence of how the patented device is viewed in the marketplace, by those directly interested in the product." Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 1391 (Fed. Cir. 1988). Secondary considerations include (1) long-felt but unsolved need; (2) commercial success of the invention; (3) failed efforts of others; (4) copying by others; (5) praise for the invention; (7) unexpected results; (8) disbelief of experts; (9) general skepticism of those in the art; (10) commercial acquiescence; and (11) simultaneous development. See Nat'l Steel Car, Ltd. v. Canadian Pac. Ry. Co., 254 F. Supp.2d 527, 570 (E.D. Pa. 2003), and cases cited therein. "Evidence of secondary considerations may often be the most probative and cogent evidence in the record. It may often establish that an invention appearing to have been obvious in light of the prior art was not. It is to be considered as part of all the evidence, not just when the decisionmaker remains in doubt after reviewing the art." Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 1538-39 (Fed. Cir. 1983). However, "there must be a nexus between the claimed invention and the secondary considerations before the evidence is relevant to the question of obviousness." Nat'l Steel Car, Id., citing SIBIA Neurosciences, 225 F.3d at 1358-59.

Plaintiff has presented evidence showing that not later than 1987, Compusonics had abandoned its efforts to commercialize the music downloading

Industry²⁷ and, in fact, Dr. Tygar opined that none of the systems incorporating prior art survived as a consumer oriented mass market distribution system for digital music distribution. (Tygar Rebuttal at 80.) As he also noted, the IRD Reports reflected a general skepticism in 1986 for the viability of a teledelivery system for digital audio signals. At the same time, numerous articles dating from the 1990s show an ongoing interest in such services, establishing the fact that there was a long-felt need for the invention. (Plf.'s Ex. C, Rebuttal Report of Frederic R. Miller, "Miller Rebuttal," at 5.) We also know from the history of this case that while the '440 Patent application was still pending, Sightsound accused N2K of illegally copying technology covered by its earlier Patents.

On the other hand, Defendants essentially omit any discussion of secondary considerations from their Brief in Support of the Motion for Summary Judgment. In their Reply Brief, their argument on this point is limited to a conclusory statement: "Sightsound has not presented relevant evidence of secondary considerations because it failed to establish a nexus between the merits of the claimed invention and the evidence offered." (Defs.' Reply Brief at 6, citing Cable Electric Prods., Inc., v. Genmark, Inc., 770 F.2d 1015, 1027 (Fed. Cir. 1985);²⁸ Sjolund v Musland, 847 F.2d 1573 (Fed. Cir. 1988); Windsurfing Int'l Inc., supra.) I have reviewed

²⁷ A former principal in Compusonics, David Schwartz, testified at his deposition that sometime in 1986 or 1987, his company "gave up on trying to commercialize" telerecording (which he defined as buying, selling and databasing music libraries for sale on demand.) (Plf.'s Ex. M, Deposition of David Schwartz, at 97.) He explained that record companies in the United States, Europe and Japan "were not receptive to the concept in any way, shape, or form." (Id. at 142.)

²⁸ Overruled on other grounds by Midwest Indus., Inc. v. Karavan Trailers, Inc., 175 F.3d 1356, 1358 (Fed. Cir. 1999).

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

Judgment, particularly where those conflicts arise from competing expert opinions, the resolution of which is a matter reserved to the jury. See Liberty Lobby, 477 U.S. 242 at 255 ("Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge, whether he is ruling on a motion for summary judgment or for a directed verdict.") Here, numerous disputed questions of fact exist, not the least of which are 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. As a result, Defendants' Motion for Summary Judgment is denied with regard to its argument that the Sightsound Patents are invalid due to obviousness.

D. Did Plaintiff Calculate Its Alleged Damages Using a Method Invalid as a Matter of Law?

Defendants argue that the methodology used by Sightsound for calculating its alleged damages against CDNow is invalid as a matter of law.²⁹ (Defs.' Motion at 1-2.) They seek partial summary judgment on the grounds that there is no factual or legal basis for calculating a "reasonable royalty" that includes a sixteen million dollar up-front royalty payment. (Id. at 2.)

The parties agree that Plaintiff's choice to calculate its damages from the alleged infringement is based on the acceptable theory of "reasonable royalty," one method by which compensatory damages may be measured. They further agree that a reasonable royalty is assumed to be that which would have resulted from a

²⁹ This argument does not apply to the alleged damages claimed against Defendant N2K.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ARTHUR R. HAIR)
Reexamination Control No. 90/007,403)
Reexamination Filed: January 31, 2005) SYSTEM FOR TRANSMITTING
Patent Number: 5,675,734) DESIRED DIGITAL VIDEO OR
Examiner: Benjamin E. Lanier) AUDIO SIGNALS
)

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

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HIGHER EDUCATION

Master of Science in Electrical Engineering, 1976

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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

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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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ARTHUR R. HAIR)
Reexamination Control No. 90/007,403)
Reexamination Filed: January 31, 2005) SYSTEM FOR TRANSMITTING
Patent Number: 5,675,734) 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. 90/007,403)
Reexamination Filed: January 31, 2005) A SYSTEM FOR TRANSMITTING
Patent Number: 5,675,734) 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 5,675,734 (the "'734 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 '734 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 '734 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;

- Telephoning the seller, which can include transmitting data to the seller by telephone;

- Providing the buyer's credit card number to the seller so that the seller can charge the buyer money;

- Encoding the digital audio or video signals for sale into a configuration that would prevent unauthorized copying;

- Storing a copy of the encoded digital audio or video signals from the hard disk that is controlled by the seller into the RAM that is controlled by the seller. However, an entire copy of the digital audio or video signals need not be stored at one time in RAM;

- Transferring the stored copy of the encoded digital audio or video signals from the RAM controlled by the seller to the buyer's computer memory. This must occur while the buyer is in possession of and control over her computer memory; and

- Storing the transferred copy of the encoded 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 21 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. The buyer has a credit card account with an associated credit card number.

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 wishes to purchase.

14. Napster Light prompts the online buyer to provide credit card information to pay for the digital music file he or she wishes to purchase. The buyer enters the credit card information into appropriate fields on a Napster pop-up window. The credit card information is sent to Napster Light via the Internet so the credit card can be charged for the purchase price of the selected digital music file.

15. 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. The digital music file is encrypted to prevent unauthorized use.

16. The download process occurs by buffering a copy of the encrypted digital music files from Napster Light's hard disk to Napster Light's RAM memory. The buffered copy is then transmitted over the Internet to the online buyer's computer. The transmitted copy is buffered and stored in the online buyer's computer hard disk. Throughout this downloading process, the online buyer is in control of her computer's memory.

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 write 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 '734 Patent. As a result, it can be concluded that Napster Light has copied the teachings of the '734 Patent.

20. Also in view of the foregoing, I have determined that Napster Light 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 Napster Light 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.

PJRM PTO-1595
(Rev. 8-93)

OMB No. 0651-0011 (exp. 6/94)

RECORDATIC
PAT

10-20-1995

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings



To the Honorable Commissioner of Patents and Trade

100079959

Documents or copy thereof.

1. Name of conveying party(ies):

Arthur R. Hair

*MRcd
10-2-95*

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: Parsec Sight/Sound, Inc.

Internal Address: _____

Street Address: 1518 Allison Drive

City: Upper St. Clair State: PA ZIP: 15241

Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other _____

Execution Date: September 20, 1995

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No.(s)

5,191,573

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ansel M. Schwartz

Internal Address: _____

Street Address: 425 N. Craig Street,

Suite 301

City: Pittsburgh State: PA ZIP: 15213

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

050 MH 10/16/95 5191573

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ansel M. Schwartz

Name of Person Signing

Ansel Schwartz
Signature

9/21/95
Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231 PATENT

REEL: 7656 FRAME: 0701

Attorney's Docket No. HAIR

PATENT

For: U.S. and/or Foreign Rights
For: U.S. Application or
 U.S. Provisional Application
For: U.S. Patent
For: PCT Application
By: Inventor(s) or Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

(inventor(s) or person(s) or entity(ies) who own the invention)

Arthur R. Hair
(type or print name(s) of ASSIGNOR(S))
1518 Allison Drive
Address
Upper St. Clair, PA 15241

Nationality

(if assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO, add the following)

Recorded on _____ Reel _____
Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

Parsec Sight/Sound, Inc.
(type or print name(s) of ASSIGNEE(S))
1518 Allison Drive
Address
Upper St. Clair, PA 15241

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(Assignment of Invention [18-3]—page 1 of 3)

PATENT
REEL: 7656 FRAME: 0702

(complete one of the following)

- the entire right, title and interest
 an undivided _____ percent (_____ %) interest
for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

- and in all foreign countries, including all rights to claim priority,
in and to any and all improvements which are disclosed in the invention entitled:
METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL

Name of inventor(s) Arthur R. Hair

(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in

- (a) U.S. patent application executed on even date herewith
(b) U.S. patent application executed on _____
(c) U.S. provisional application naming the above inventor(s) for the above-entitled invention.
 Express mail label no.: _____
Mailed: _____
 To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney to insert below the filing date and application number when they become known.
(d) U.S. application no. _____ / _____
filed on _____
(e) International application no. PCT/ _____ / _____
(f) U.S. patent no. 5,191,573 issued March 2, 1993
 A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g), if foreign application(s) is also being assigned)

- (g) and any legal equivalent thereof in a foreign country, including the right to claim priority.

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

(Assignment of Invention [16-3]—page 2 of 3)

PATENT
REEL: 7656 FRAME: 0703

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

20th day of Sept., 1995 (Date of signing).

WARNING: The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Date: 9/20/1995

Arthur R. Hill
Signature of ASSIGNOR(S)

Date:

Date:

Date:

(if ASSIGNOR is a legal entity, complete the following information)

(type or print the name of the above person
authorized to sign on behalf of ASSIGNOR)

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized, then it will only be prima facie evidence of execution. 35 USC 261. Use next page if notarization is desired.

Notarization or Legalization Page Added.

(Assignment of Invention [16-3]—page 3 of 3)

RECORDED: 10/02/1995

PATENT
REF: 7656 FRAME: 0704

01-30-2002

Form PTO-1595

(Rev. 03/01)

OMB NO. 0651-0027 (exp. 5/31/2002)

Tab settings => => □ □



101964848

U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

□ □

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

SightSound Technologies, Inc.

10-27-01

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other Notice of Grant of Security Interest

Execution Date: October 1, 2001

2. Name and address of receiving party(ies)

Name: Kenyon & Kenyon

Internal Address: _____

Street Address: One Broadway

City: New York State: N.Y. Zip: 10004

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/286,892

09/469,802 09/256,432 09/706,048

09/710,380

B. Patent No.(s) 5,191,573 5,675,734

5,966,440 6,014,491

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Deborah Hartnett, Esq.

Paul, Weiss, Rifkind, Wharton &

Internal Address: Garrison

Street Address: 1285 Avenue of the Americas

City: New York State: NY Zip: 10019

6. Total number of applications and patents involved: 9

7. Total fee (37 CFR 3.41) \$ 360.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Minter Krotzer

Name of Person Signing

[Signature]

Signature

10/24/01

Date

Total number of pages including cover sheet, attachments, and documents: 6

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

Doc#: NY6: 61198.1

PATENT
REEL: 012506 FRAME: 0415

Additional Receiving Parties

1. Ansel M. Schwartz
One Sterling Plaza
201 N. Craig Street, Suite 304
Pittsburgh, PA 15213
2. Waterview Partners, LLP
152 West 57th Street, 46th Floor
New York, NY 10019
3. D&DF Waterview Partners, L.P.
152 West 57th Street, 46th Floor
New York, NY 10019

Notice of Grant of Security Interest in Patents

NOTICE OF GRANT OF SECURITY INTEREST IN PATENTS (the "Notice"), dated as of October 1, 2001, made by SIGHTSOUND TECHNOLOGIES, INC., a Delaware corporation ("Pledgor"), in favor of KENYON & KENYON ("KK"), Ansel M. Schwartz ("Schwartz"), Waterview Partners, LLP ("WPL") and D&DF Waterview Partners, L.P. ("DWPL"), (each, a "Secured Parties" and collectively, the "Secured Parties").

WHEREAS, Pledgor is the owner of certain patents and patent applications as set forth in Schedule 1 attached hereto (collectively, the "Patents"); and

WHEREAS, pursuant to the Security Agreement, dated as of the date hereof, between Pledgor and Secured Parties (the "Security Agreement"), Pledgor granted to Secured Parties a security interest in, and lien on, certain intellectual property of Pledgor, including (a) all letters patent of the United States or any other country and all reissues and extensions thereof, including, without limitation, the Patents, and the inventions and improvements described and claimed therein, if any, and patentable inventions, (b) the reissues, divisions, continuations, renewals, extensions, reexaminations and continuations-in-part of any of the foregoing, (c) all applications for any of the foregoing in the United States or any other country and (d) all agreements, whether written or oral, providing for the grant by or to Pledgor of any right to manufacture, use or sell any invention covered by a Patent, including, without limitation, any thereof referred to in Schedule 1 ("Patent Licenses"), in each case, now owned or hereafter acquired or in which Pledgor now has or at any time in the future may acquire any right, title or interest (collectively, the "Patent Collateral").

WHEREAS, pursuant to the Security Agreement, Pledgor agreed to execute and deliver to Secured Parties this Notice for purposes of filing the same with the United States Patent and Trademark Office (the "PTO") to confirm, evidence and perfect the security interest in the Patent Collateral granted pursuant to the Security Agreement;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the terms and conditions of the Security Agreement (as the same may be from time to time amended, restated or supplemented), the terms of which are incorporated by reference herein, Pledgor hereby grants to Secured Parties a security interest in, and lien, on the Patent Collateral.


Pledgor hereby acknowledges the sufficiency and completeness of this Notice to create the security interest in the Patent Collateral and to grant the same to Secured Parties, and Pledgor hereby requests the PTO to file and record the same together with the annexed Schedule 1.

Pledgor and Secured Parties hereby acknowledge and agree that the security interest in the Patent Collateral may only be terminated, and Secured Parties

rights as secured parties may only be exercised, in accordance with the terms of the Security Agreement.

IN WITNESS WHEREOF, the undersigned has caused this Notice to be duly executed and delivered as of the date first above written.

SIGHTSOUND TECHNOLOGIES, INC.

By: 
Name: SCOTT C. SANDER
Title: PRESIDENT & CEO

STATE OF *Pennsylvania*
: ss.:
COUNTY OF *Allegheny*)

On the 15 day of October, 2001, before me the undersigned, personally appeared Scott C. Sander, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Eleanor A. Carpenter
Notary Public

Notarial Seal
Eleanor A. Carpenter, Notary Public
Mt. Lebanon Twp., Allegheny County
My Commission Expires May 2, 2005
Member, Pennsylvania Association of Notaries

Patents

A. Issued Patents

<u>Description</u>	<u>Patent No.</u>
Title: Method for Transmitting a Desired Digital Video or Audio Signal	5,191,573
Title: System for Transmitting Desired Digital Video or Audio Signals	5,675,734
Title: System and Method for Transmitting Desired Digital Video or Audio Signals	5,966,440
Title: Method and System for Manipulation of Audio or Video Signals	6,014,491

B. Patent Applications

<u>Patent No.</u>	<u>Application No.</u>
	09/286,892
	09/469,802
	09/256,432
	09/706,048
	09/710,380

Patent Licenses

There was a license with Henry R. Moore, an individual doing business as Moore Multimedia Publishing, dated March 25, 1999. Under the terms of the license, it has expired. However, Mr. Moore and SightSound have expressed an interest in renewing the license.

Doc#: NY6: 44648.1

RECORDED: 10/24/2001

PATENT
REEL: 012506 FRAME: 0420

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

SightSound Technologies, Inc. (Delaware Corp)

Execution Date(s) 10 November 2005

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: DMT Licensing, LLC (Delaware LLC)

Internal Address: COPY

Street Address: One Independence Way

City: Princeton

State: New Jersey

Country: US Zip: 08540

Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Government Interest Assignment
- Executive Order 9424, Confirmatory License
- Other _____

4. Application or patent number(s):

This document is being filed together with a new application.

A. Patent Application No.(s)

09/286,892
10/820,995
10/632,166

B. Patent No.(s)

5,191,573 6,721,491
5,675,734 6,615,349
5,966,440 6,014,491

Additional numbers attached? Yes No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Matthew P. McWilliams

Internal Address: Drinker Biddle & Reath LLP

Street Address: One Logan Square
18th and Cherry Streets

City: Philadelphia

State: Pennsylvania Zip: 19103-6996

Phone Number: 215.988.3381

Fax Number: 215.988.2757

Email Address: matthew.mcwilliams@dbr.com

6. Total number of applications and patents involved:

9

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 360.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed
- None required (government interest not affecting title)

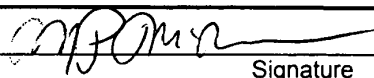
8. Payment Information

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature:


Signature

December 26, 2005
Date

Matthew P. McWilliams, Reg. No. 46,922
Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 6

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

COPY

PATENT ASSIGNMENT AGREEMENT

THIS PATENT ASSIGNMENT AGREEMENT (this "Agreement"), is made as of this 10th day of November, 2005 by and between SightSound Technologies, Inc., a Delaware corporation ("Assignor"), and DMT Licensing, LLC, a Delaware limited liability company ("Assignee"). Assignor and Assignee are sometimes referred to herein as a "Party" or collectively as the "Parties."

WITNESSETH:

WHEREAS, Assignor is the owner of the entire right, title and interest in and to all of the patents and patent applications (including any and all inventions and improvements disclosed and described therein) set forth on Exhibit A hereto (the "Patents"); and

WHEREAS, Assignee desires to obtain all of Assignor's right, title and interest in, to and under the Patents.

NOW THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement and in the Asset Purchase Agreement between Assignor and Assignee, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Assignor hereby conveys, assigns, sells, transfers and delivers to Assignee, its successors and assigns, all of its right, title and interest throughout the world in, to and under the Patents, including the underlying inventions described therein and any and all United States or foreign reissues, divisions, renewals, extensions, provisionals, continuations and continuations-in-part thereof and substitutes therefor, all letters patent of the United States which have been or may be granted thereof and all foreign counterparts thereof, including any reissues or extensions of letters patent granted thereon and any and all rights corresponding to any of the foregoing throughout the world, all priority rights under the International Convention for the Protection of Industrial Property for every member country (and any other international convention or treaty), any and all accounts, contract rights, warranties, litigation claims and rights, including the right to sue for and collect upon all claims for profits and damages as a result of future or past infringement, and other general intangibles of Assignor related to any of the foregoing, in each case whether now existing or hereafter acquired or created, whether owned, leased or licensed beneficially or of record and whether owned, leased or licensed individually, jointly or otherwise, together with the products and proceeds thereof (including license royalties and the proceeds of infringement suits from the date of this Agreement forward), all payments and other distributions with respect thereto from the date of this Agreement forward, and the right to fully and entirely stand in the place of Assignor in all matters related thereto.

2. Assignor hereby conveys, assigns, transfers and delivers to Assignee, its successors and assigns, all of its right, title and interest throughout the world in and to any and all lab notes, prototypes, draft patent applications, correspondence with the United States Patent and Trademark Office or any foreign patent office, nondisclosure agreements, invention agreements and noncompete agreements, to the extent such materials relate to the Patents.

3. Assignor hereby requests the Commissioner for Patents (the "Commissioner") to record this assignment of the Patents to Assignee. Assignor hereby further requests the

Commissioner to issue any and all letters patent of the United States resulting from applications among the Patents or derived therefrom to Assignee as assignee of the entire interest. Assignor hereby covenants that the Commissioner has full right to convey the entire interest herein assigned, and that Assignor has not executed, and will not execute, any agreements inconsistent herewith.

4. Assignor further agrees that it shall on the date hereof and from time to time thereafter, at the request of Assignee, perform or cause to be performed such acts and execute, acknowledge and deliver at the request of Assignee, such documents as may reasonably be required to evidence or effectuate the sale, conveyance, assignment, transfer and delivery to Assignee of the Patents or for the performance by Assignor of any of its obligations hereunder.

5. This Agreement will be binding upon and will inure to the benefit of the parties hereto and their successors and assigns, and no person other than Assignor, Assignee or their respective successors and assigns shall have any rights under this Agreement or the provisions contained herein.

6. An executed copy of this Agreement may be filed with the proper governmental or regulatory authority or public body by Assignee at any time.

7. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard for the conflicts of laws principles thereof, except that if it is necessary in any other jurisdiction to have the law of such other jurisdiction govern this Agreement in order for this Agreement to be effective in any respect, then the laws of such other jurisdiction shall govern this Agreement but only to such extent.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed, as of the date first above written.

ASSIGNEE

By: [Signature]
Name: Peter Moller
Title: Vice President
Date: November 10, 2005

ASSIGNOR

By: [Signature]
Name: Scott C. Sander
Title: President and Chief Executive Officer
Date: November 10, 2005

Commonwealth of Pennsylvania
County of Allegheny ss.:

On the 10th day of November, 2005, before me personally came Scott C. Sander, to me known (or satisfactorily proven), who being by me duly sworn, did depose and say that he is the President and CEO of Assignor, the corporation described in, and which executed the foregoing instrument, and that he was fully authorized to execute this Patent Assignment Agreement on behalf of said corporation.

[Signature]
Notary Public

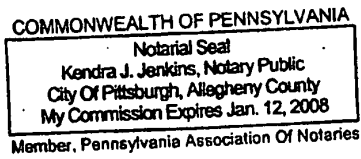


EXHIBIT A

PATENTS AND PATENT APPLICATIONS

A/V eCommerce Patents:

	<u>Country</u>	<u>Number</u>	<u>Issued</u>
01]	United States	5,191,573	Issued
02]	United States	5,675,734	Issued
03]	United States	5,966,440	Issued
04]	United States	09/286,892	Application In Process

A/V Compression Patents:

01]	United States	6,014,491	Issued
02]	Singapore	67158	Issued
03]	New Zealand	337344	Issued
04]	Australia	752057	Issued
05]	China	1252917	Issued
06]	United States	6,721,491	Issued
07]	Hong Kong	1025208	Issued
08]	Australia	6341198	Application In Process
09]	Brazil	9811455	Application In Process
10]	Canada	2279853	Application In Process
11]	China	1121124C	Application In Process
12]	European Patent Office	0965128	Application In Process
13]	Japan	2002508850T	Application In Process
14]	United States	2005038535	Application In Process
15]	World Intellectual Property Organization	9843405	Application In Process

Applied Encryption Patents:

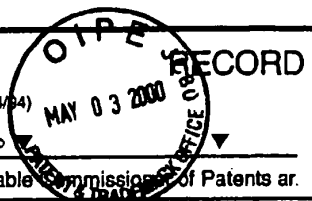
01]	New Zealand	502871	Issued
02]	United States	6,615,349	Issued
03]	Taiwan	574641	Issued
04]	Singapore	93860	Issued
05]	Australia	776005	Issued
06]	Austria	EP2000300727	Pending
07]	Belgium	EP2000300727	Pending
08]	Cyprus	EP2000300727	Pending
09]	Denmark	EP2000300727	Pending
10]	Finland	EP2000300727	Pending
11]	France	EP2000300727	Pending
12]	Germany	EP2000300727	Pending
13]	Greece	EP2000300727	Pending
14]	Ireland	EP2000300727	Pending
15]	Italy	EP2000300727	Pending
16]	Lichtenstein	EP2000300727	Pending
17]	Luxembourg	EP2000300727	Pending
18]	Monaco	EP2000300727	Pending

19]	Netherlands	EP2000300727	Pending
20]	Portugal	EP2000300727	Pending
21]	Sweden	EP2000300727	Pending
22]	Spain	EP2000300727	Pending
23]	Switzerland	EP2000300727	Pending
24]	United Kingdom	EP2000300727	Pending
25]	China	CN1269549	Pending
26]	Hong Kong	HK1028466	Pending
27]	Australia	1481000	Application In Process
28]	Brazil	0000702	Application In Process
29]	Canada	2299056	Application In Process
30]	Japan	2000259478	Application In Process
31]	United States	2004025037	Application In Process

Peer-to-Peer Patents:

01]	European Patent Office	1332428	Application In Process
02]	Japan	JP2004513453T	Application In Process
03]	World Intellectual Property Organization	239253	Application In Process

All Intellectual Property to be free of any liens or encumbrances.



05-16-2000

Tab settings



101357242

original documents or copy thereof.

1. Name of conveying party(ies): Parsec Sight/Sound, Inc. *MPO 5300*

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: SightSound.com Incorporated

Internal Address: _____

Street Address: 733 Washington Road,

Suite 400

City: Mt. Lebanon State: PA ZIP: 15228

Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other _____

Execution Date: _____

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

08/023,398 09/469,802
09/286,892 09/256,432

B. Patent No.(s)

5,191,573 5,966,440
5,675,734 6,014,491

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ansel M. Schwartz

Internal Address: _____

Street Address: One Sterling Plaza,

201 N. Craig Street, Suite 304

City: Pittsburgh State: PA ZIP: 15213

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41).....\$ 320.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

05/16/2000 DHSUYEN 0000005A 0002333A

01 FC:581

320.00 DP

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ansel M. Schwartz

Name of Person Signing

Ansel Schwartz
Signature

4/28/00
Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments **PATENT**

Washington, D.C. 20231

REEL: 010776 FRAME: 0703



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CHANGE OF NAME IN RECORDED ASSIGNMENTS

1. Particulars of assignments

A list of assignments recorded against patent applications and/or patents is set forth on the attached page.

2. Old name of assignee

The old name for the assignee as shown for the assignments on the attached page is:

Parsec Sight/Sound, Inc.

(type or print old name of Assignee)

3. New name of assignee

The new name of the assignee is

SightSound.com Incorporated

(type or print new name of Assignee)

4. Proof of name change

Proof of assignee's change of name is established by the attached

certificate of the Secretary of State of Pennsylvania,
showing the name change. *(type name of state)*

certificate of name change from: _____
(type or print name of authority)

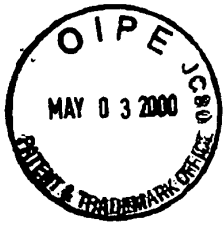
(check, if applicable)

Because the certificate or the certified copy of the name change is not in the English language, it is accompanied by a verified translation signed by the translator.

5. Change of address for patent maintenance fees

(complete, if applicable)

A change of address to which correspondence is to be sent regarding patent maintenance fees for each patent listed is being sent separately.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

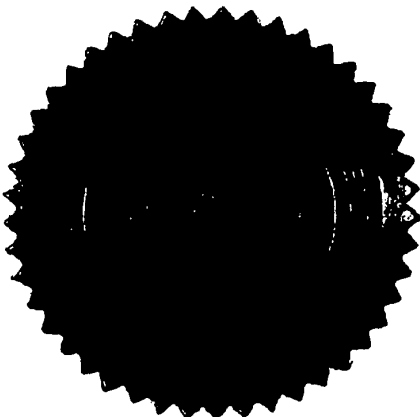
APRIL 26, 2000

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

SIGHTSOUND.COM INCORPORATED

I, Kim Pizzigrilli, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Articles of Incorporation and all Amendments which appear of record in this department

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.



Kim Pizzigrilli
Secretary of the Commonwealth

JSOW

PATENT
REEL: 010776 FRAME: 0705 ..

198:198166

Microfilm Number _____

File with the Department of State
on AUG 01 1995

Entity Number 2649623

[Signature]
Secretary of the Commonwealth

ARTICLES OF INCORPORATION-FOR PROFIT
DSCB:15-1306/2102/2303/2702/2903/7102A (Rev 90)

Indicate type of domestic corporation (check one):

- Business-stock (15 Pa.C.S. § 1306) Management (15 Pa.C.S. § 2702)
- Business-nonstock (15 Pa.C.S. § 2102) Professional (15 Pa.C.S. § 2803)
- Business-statutory close (15 Pa.C.S. § 2303) Cooperative (15 Pa.C.S. § 7102A)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned, desiring to incorporate a corporation for profit hereby state(s) that:

1. The name of the corporation is: Parsec Sight/Sound, Inc.
2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

	Upper			
(a) <u>1518 Allison Drive</u>	<u>St. Clair</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
Number and Street	City	State	Zipcode	County

(b) c/o: N/A

	Name of Commercial Registered Office Provider	County
--	---	--------

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the provisions of the Business Corporation Law of 1988.
4. The aggregate number of shares authorized is: 100,000 (other provisions, if any, attach 8 1/2 x 11 sheet)
5. The name and address, including street and number, if any, of each incorporator is:

Name	Address
<u>John E. Marshall</u>	<u>1300 Oliver Building</u>
	<u>Pittsburgh, PA 15222</u>

NS-1 95

1000

PA Dept. of State

STATEMENT

FORM 802 2/77

12:00 68-10

6. The specified effective date, if any, is:

N/A
month day year hour, if any

7. Any additional provisions of the articles, if any, attach on 8 1/2 x 11 sheet.

8. Statutory close corporation only: Neither the corporation nor any shareholder shall make an offering of any of its shares of any class that would constitute a "Public Offering" within the meaning of the Securities Act of 1933 (15 U.S.C. § 77A et seq.).

9. Cooperative corporations only: (Complete and strike out inapplicable term) The common bond of membership among its members/shareholders is: N/A

IN TESTIMONY WHEREOF, the incorporator has signed these Articles of Incorporation this 1st day of August, 1995.

John E. Marshall
John E. Marshall

162160A.

Microfilm Number _____

Filed with the Department of State
on APR 03 1996

Entity Number 2649623

[Signature]
Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC BUSINESS CORPORATION
DSCB:15-1916 (Rev 90)

In compliance with the requirements of 15 Pa.C.S. § 1916 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

1. The name of the corporation is: PARSEC SIGHT/SOUND, INC.
2. The address of this corporation's current (a) registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a)	<u>1518 Allison Drive</u>	<u>Upper</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
	Number and Street	City	State	Zip	County

(b) c/o: N/A
Name of Commercial Registered Office Provider _____ County _____

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, as amended
4. The date of its incorporation is: August 1, 1995
5. (Check, and if appropriate complete, one of the following):

The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

The amendment shall be effective on: _____ Date
at _____ hour

6. (Check one of the following):
- The amendment was adopted by the shareholders pursuant to 16 Pa.C.S. §1914(n) and (b).

15-0-15
PA DEPT. OF STATE

162160A

_____ The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. §1914 (c).

7. (Check, and if appropriate complete, one of the following):

The amendment adopted by the corporation, set forth in full, is as follows:

Paragraph 4 of the Articles of Incorporation shall be amended to read as follows:

4. The aggregate number of shares authorized is 1,000,000, each share having a par value of .1¢ per share.

A new Paragraph 10 shall be added to the Articles of Incorporation which shall read as follows:

10. The shareholders of the Corporation shall not be entitled to cumulate their votes for the election of directors or for any other purpose.

_____ The amendment adopted by the corporation is set forth in full in Exhibit A, attached hereto and made a part hereof.

8. (Check if the amendment restates the Articles):

_____ The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 2ND day of APRIL, 1996.



Arthur R. Hair

FEDOC# 73331 9764-1192

Microfilm Number _____
Entity Number 2649623
Filed with the Department of State
on AUG 25 1997
[Signature]
Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC BUSINESS CORPORATION
DSCB:15-1915 (Rev 90)

In compliance with the requirements of 15 Pa.C.S. § 1915 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

1. The name of the corporation is: PARSEC SIGHT/SOUND, INC.
2. The address of this corporation's current (a) registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a)	<u>1518 Allison Drive</u>	<u>Upper St. Clair</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
	Number and Street	City	State	Zip	County

(b) c/o: N/A
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, as amended
4. The date of its incorporation is: AUGUST 1, 1995
5. (Check, and if appropriate complete, one of the following):

The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

The amendment shall be effective on: _____
Date
at _____
Hour

AUG 25 97
PA Dept. of State

6. (Check one of the following):

The amendment was adopted by the shareholders pursuant to 15 Pa.C.S. §1914(a) and (b).

The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. §1914 (c).

7. (Check, and if appropriate complete, one of the following):

The amendment adopted by the corporation, set forth in full, is as follows:

Paragraph 4 of the Articles of Incorporation shall be amended to read as follows:

4. The aggregate number of shares authorized is 100,000,000, each share having a par value of .001¢

The amendment adopted by the corporation is set forth in full in Exhibit A, attached hereto and made a part hereof.

8. (Check if the amendment restates the Articles):

The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 15th day of August 1997.

PARSEC SIGHT/SOUND, INC.

BY: Arthur R. Hair

Arthur R. Hair

TITLE: Authorized Officer

Microfilm Number _____

Filed with the Department of State
on FEB 05 1998

Entity Number 2649623

[Signature]
Secretary of the Commonwealth

STATEMENT OF CHANGE OF REGISTERED OFFICE
DSCB:15-1507/4144/5507/6144/8506 (Rev 90)

Indicate type of entity (check one):

- Domestic Business Corporation (15 Pa.C.S. § 1507)
- Foreign Business Corporation (15 Pa.C.S. § 4144)
- Domestic Nonprofit Corporation (15 Pa.C.S. § 5507)
- Foreign Nonprofit Corporation (15 Pa.C.S. § 6144)
- Domestic Limited Partnership (15 Pa.C.S. § 8506)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned corporation or limited partnership, desiring to effect a change of registered office, hereby states that:

1. The name of the corporation or limited partnership is: Parsec Sight/Sound, Inc.
2. The (a) address of this corporation's or limited partnership's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is: (the Department is hereby authorized to correct the following address to conform to the records of the Department):

<u>1518 Allison Drive</u>	<u>Upper St. Clair</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
Number and Street	City	State	Zip	County
- (b) c/o: N/A
Name of Commercial Registered Office Provider County

For a corporation or a limited partnership represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation or limited partnership is located for venue and official publication purposes.

3. (Complete part (a) or (b)):

PA DEPT. OF STATE
FEB 05 1998

9000-046

- (a) The address to which the registered office of the corporation or limited partnership in this Commonwealth is to be changed is:

733 Washington Road Mt. Lebanon PA 15228 Allegheny
 Number and Street City State Zip County

- (b) The registered office of the corporation or limited partnership shall be provided by:

c/o: N/A
 Name of Commercial Registered Office Provider County

For a corporation or a limited partnership represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation or limited partnership is located for venue and official publication purposes.

- 4. ~~(Strike out if a limited partnership):~~ Such change was authorized by the Board of Directors of the corporation.

IN TESTIMONY WHEREOF, the undersigned corporation or limited partnership has caused this statement to be signed by a duly authorized officer this 19th day of January, 1998.

Parsec Sight/Sound, Inc.

BY: Arthur R. Hair
 Arthur R. Hair, Chairman

PCDOCS# 139018

Filed with the Department of State

Microfilm Number _____ on _____

Entity Number 74-191-23 _____

ACTING Secretary of the Commonwealth JK

ARTICLES OF MERGER-DOMESTIC BUSINESS CORPORATION
DSCB:15-1926 (Rev 90)

In compliance with the requirements of 15 Pa. C.S. §1926 (relating to articles of merger or consolidation), the undersigned business corporations, desiring to effect a merger, hereby state that:

1. The name of the corporation surviving the merger is: Parsec Sight/Sound, Inc.

2. (Check and complete one of the following):

The surviving corporation is a domestic business corporation and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) 733 Washington Road Mt. Lebanon PA 15228 Allegheny
Number and Street City State ZipCode County

(b) c/o: N/A
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

The surviving corporation is a qualified foreign business corporation incorporated under the laws of, and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) N/A
Number and Street City State Zip County

PARSEC SIGHT/SOUND, INC. NO. 171
PDOC# 138858

4. Upon said merger becoming effective, each share of common capital stock of Digital shall be converted into one share of common capital stock of the Surviving Corporation. A Certificate for the appropriate number of shares of the common capital stock of the Surviving Corporation shall be delivered by the Surviving Corporation to each shareholder of Digital on or after the Effective Date, upon such shareholder's delivery to the Surviving Corporation of the certificates representing all of such shareholder's shares of common capital stock of Digital. The shares of common capital stock of the Surviving Corporation presently outstanding shall remain outstanding.


5. Each share of common capital stock of Digital outstanding prior to the Effective Date shall after the Effective Date represent only the right to receive one validly issued, fully paid and non-assessable share of common capital stock of the Surviving Corporation. As of the Effective Date, the equity interest of each shareholder of Digital as a shareholder of Digital shall be extinguished.

6. This Agreement and Plan of Merger shall be submitted to the shareholders of each of the Corporations for approval by unanimous written consent and agreement pursuant to and in accordance with §1924(a) of the Business Corporation Law of 1988.

7. At any time prior to the Effective Date, this Agreement and Plan of Merger may be terminated by the board of directors of either of the Corporations.

IN WITNESS WHEREOF, the parties hereto, with the intent to be legally bound hereby, have entered into this Agreement and Plan of Merger and have duly authorized their respective officers to execute the same in their respective corporate names, the day and year first above written.

PARSEC SIGHT/SOUND, INC.

By: 
Scott C. Sander, President

DIGITAL SIGHT/SOUND, INC.


By: 
Scott C. Sander, President

Exhibit "A"

AGREEMENT AND PLAN OF MERGER

THIS AGREEMENT AND PLAN OF MERGER (this "Agreement and Plan of Merger") made this 22nd day of September, 1998, by and between PARSEC SIGHT/SOUND, INC. ("Parsec"), a Pennsylvania corporation with its registered office located at 733 Washington Road, Suite 212, Mt. Lebanon, Pennsylvania 15228, and DIGITAL SIGHT/SOUND, INC. ("Digital"), a Pennsylvania corporation with its registered office located at 733 Washington Road, Suite 212, Mt. Lebanon, Pennsylvania 15228. Parsec and Digital are also herein referred to collectively as the "Corporations".

WHEREAS, Parsec and Digital are corporations duly organized and validly existing under the laws of the Commonwealth of Pennsylvania, having both been incorporated on August 1, 1995, under and in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1144, as amended (the "Business Corporation Law of 1988"); and

WHEREAS, the Corporations desire to merge Digital into Parsec under and in accordance with the provisions of the Business Corporation Law of 1988.

NOW, THEREFORE, in consideration of the premises and of the terms and conditions hereinafter set forth, the parties hereto, with the intent to be legally bound hereby, mutually agree to merge the Corporations upon the following terms and conditions:

1. Upon compliance with the applicable provisions of the Business Corporation Law of 1988, on the Effective Date (as defined herein), Digital shall be merged with and into Parsec and thereupon the separate existence of Digital shall cease. Parsec, as it shall exist after the Effective Date, is hereinafter referred to as the "Surviving Corporation".

2. Articles of Merger shall be filed with the Department of State of the Commonwealth of Pennsylvania, and the merger shall be effective as of the date of filing of said Articles of Merger (the "Effective Date").

3. The Articles of Incorporation and By-laws of Parsec, as amended through the Effective Date, shall continue to be the Articles of Incorporation and By-laws of the Surviving Corporation and shall not be amended or otherwise affected by the merger provided for herein except as follows:

a. Article 1 of the Articles of Incorporation and Section 1.1 of the By-laws shall both read as follows: The name of the Corporation is SIGHTSOUND.COM INCORPORATED.

b. Article 2 of the Articles of Incorporation shall read as follows: The address of this corporation's registered office in this Commonwealth and the county of venue is 733 Washington Road, Suite 400, Mt. Lebanon, Pennsylvania 15228, Allegheny.

PCDOCS# 139018

Digital Sight/Sound, Inc.

Adopted by the directors and shareholders pursuant to 15 Pa.C.S. § 1924(a)

6. ~~(Strike out this paragraph if no foreign corporation is a party to the merger). The plan was authorized, adopted or approved, as the case may be, by the foreign business corporation (or each of the foreign business corporations) party to the plan in accordance with the laws of the jurisdiction in which it is incorporated.~~

7. (Check, and if appropriate complete, one of the following):

The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

Pursuant to 15 Pa.C.S. §1901 (relating to omission of certain provisions from filed plans) the provisions of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A, attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

N/A
Number and Street City State Zip County

IN TESTIMONY WHEREOF, each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this 21st day of March, 1999.

PARSEC SIGHT/SOUND, INC.

BY: [Signature]
Scott C. Sander, President

DIGITAL SIGHT/SOUND, INC.

BY: [Signature]
Scott C. Sander, President

PCDOCS-139018

(b) c/o _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

N/A The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of and the address of its principal office under the laws of such domiciliary jurisdiction is:

N/A _____
Number and Street City State Zip County

3. The name and the address of the registered office in this Commonwealth or name of its commercial registered office provider and the county of venue of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

<u>Name of Corporation</u>	<u>Address of Registered Office or Name of Commercial Registered Office Provider</u>	<u>County</u>
Digital Sight/Sound, Inc.	733 Washington Road Mt. Lebanon, PA 15228	Allegheny

4. (Check, and if appropriate complete, one of the following):

The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

The plan of merger shall be effective on:

_____ at _____
Date Hour

5. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

<u>Name of Corporation</u>	<u>Manner of adoption</u>
Parsec Sight/Sound, Inc.	Adopted by the directors and shareholders pursuant to 15 Pa.C.S. § 1924(a)

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REVOCAION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	5,675,734 90/007403
	Filing Date	10/07/1997
	First Named Inventor	Arthur R. Hair
	Art Unit	2132
	Examiner Name	Benjamin E. Lanier
	Attorney Docket Number	47274.219099-2

I hereby revoke all previous powers of attorney given in the above-identified application:

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: 23973

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number: 23973

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Robert A. Koons, Jr.				
Address	Drinker Biddle & Reath LLP One Logan Square 18th & Cherry Streets				
City	Philadelphia	State	PA	ZIP	19103-6996
Country	United States of America				
Telephone	(215) 988-3392	Email	robert.koons@dbr.com		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71
 Statement under 37CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature					
Name	Kenneth Glick, Assistant Secretary DMT Licensing LLC				
Date	12/22/2005	Telephone	609-734-9562		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: DMT Licensing, LLC

Application No./Patent No.: 5,675,734 Filed/Issue Date: 10/07/1997

Entitled: System for Transmitting Desired Digital Video or Audio Signals

DMT Licensing, LLC, a Delaware Limited Liability Company
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest; or
- 2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

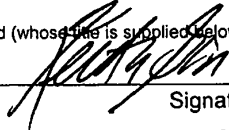
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The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- 2. From: _____ To: _____
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- 3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose name is supplied below) is authorized to act on behalf of the assignee.



Signature

Kenneth Glick

Printed or Typed Name

Assistant Secretary, DMT Licensing, LLC

Title

12/22/2005

Date
609-734-9562

Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Drinker Biddle & Reath
LLP

64660 U.S. PTO
12/27/05

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www.drinkerbiddle.com

Law Offices
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996
215-988-2700

FACSIMILE INFORMATION SHEET

Re-Exam Branch USPTO
TO: ATTN: Manuel FROM: Robert A. Koons, Jr., Esq. 20NE EXT.: 3392
DATE: January 13, 2006 FAX NUMBER: 571.273.9900
NUMBER OF PAGES, INCLUDING COVER: 85 DOCUMENT NAME: Transmittal of Complete Papers, Response, and Exhibits for Re-Exam Control Number 90/007,403

Message:

Dear Manuel,
As per your conversation with Ansel Schwartz today, we fax herewith the complete set of documents as filed on December 27, 2005 for Re-Exam Control Number 90/007,403 (Patent Number 5,675,734). We enclose a copy of the Express Mail receipt verifying the mailing date of December 27, 2005.
Please contact Robert Koons at telephone number 215.988.3392 if you need anything additional.
Thank you for your assistance in this matter.
Sincerely,
Jane D. Roberts, paralegal for Robert A. Koons, Jr. Esq. Reg. No. 32,474

- Original will not follow
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Client Name/Number: 47274 Matter Name/Number: 219099

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J. ROBERTS 219099/734

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Please acknowledge receipt of the attached (specified below) by date stamping and returning this pre-addressed postcard.

File # 219099/734 Serial/Patent/Registration # CONTROL 90/007,403

Matter: SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS (NO. 658)

Application w/Drawing
 Specimens ()
 Trans. Ltr w/ Copies
 Response to O.A.
 Communication
 A.A.U./S.O.U./E.O.T.S.O.U.
 Decl. Under Sec.
 Renewal Application
 Ext. Time Oppose/Not. Opp.
 Specification (pgs.)
 Claims (pgs.)

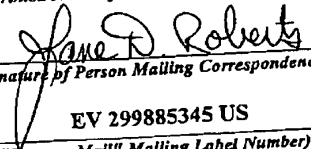
Abstract (pgs.)
 Drawings (sheets)
 Decl. and P.O.A. + REVOCATION
 Priority Document
 Amendment
 Assignment
 Other CHG OF ENTITY STATUS

Final Fee
 Fee \$ (Dep. Act. 50-0573)

Date: 27 DECEMBER 2005

EXP MAIL # EV 299885345

EV299885345US

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. 219099/734
Applicant(s): Arthur R. Hair			
Serial No. 90/007,403	Filing Date 31 January 2005	Examiner Benjamin E. Lanier	Group Art Unit 2132
Invention: System for Transmitting Desired Digital Video or Audio Signals CUSTOMER NUMBER: 23973			
I hereby certify that the following correspondence: <div style="border: 1px solid black; padding: 5px; margin: 5px;"> 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-E; Return Receipt Postcard <i>(Identify type of correspondence)</i> </div> 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 <u>27 December 2005</u> <i>(Date)</i>			
<u>Jane D. Roberts</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> <u>EV 299885345 US</u> <i>("Express Mail" Mailing Label Number)</i>			
Note: Each paper must have its own certificate of mailing.			

P06A/REV02

Doc Code: PTO/SB/82 (04-05)
Approved for use through 11/30/2005. OMB 0851-0036
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REVOCAION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	5,675,734
	Filing Date	10/07/1997
	First Named Inventor	Arthur R. Hair
	Art Unit	2132
	Examiner Name	Benjamin E. Lanier
Attorney Docket Number		47274.219099-2

I hereby revoke all previous powers of attorney given in the above-identified application:

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: 23973

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number: 23973

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Robert A. Koons, Jr.					
Address	Drinker Biddle & Reath LLP One Logan Square 18th & Cherry Streets					
City	Philadelphia	State	PA	ZIP	19103-6996	
Country	United States of America					
Telephone	(215) 988-3392	Email	robert.koons@dbr.com			

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		
Name	Kenneth Glick, Assistant Secretary DMT Licensing LLC	
Date	12/22/2005	Telephone 609-734-9562

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

AMENDMENT TRANSMITTAL LETTER (Large Entity)	Docket No. 219099/734
--	--------------------------

Applicant(s): Arthur R. Hair			
Serial No. 90/007,403	Filing Date 31 January 2005	Examiner Benjamin E. Lanier	Group Art Unit 2132

Invention: System for Transmitting Desired Digital Video or Audio Signals

CUSTOMER NUMBER: 23973

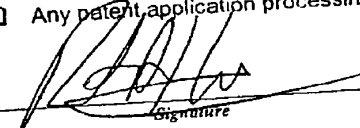
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					ADDITIONAL FEE
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	
TOTAL CLAIMS	27	34 =	0 x	\$50.00	\$0.00
INDEP. CLAIMS	5	5 =	0 x	\$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- 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 _____ 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.

Dated: 27 December 2005


 Robert A. Koons, Jr., Esq. Reg. No. 32,474
 Drinker Biddle & Reath LLP
 One Logan Square
 18th and Cherry Streets
 Philadelphia, PA 19103-6996

Telephone: 215.988.3392

Customer Number: 23973

CC:

I certify that this document and fee is being deposited 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.
_____ <i>Signature of Person Mailing Correspondence</i>
_____ <i>Typed or Printed Name of Person Mailing Correspondence</i>

P11LARGE/REV08

ATTORNEY DOCKET NO. GE 219099

Change of Entity Status

<u>US 5,675,734</u>	<u>3002</u>	<u>2132</u>
US PATENT NUMBER	CONFIRMATION NO.	ART UNIT
<u>90/007,403</u>	<u>31 January 2005</u>	
RE-EXAM CONTROL NO.	FILING DATE	

System 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 299885345 US**, addressed to Mail Stop Ex Parte ReExam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JANE D. ROBERTS

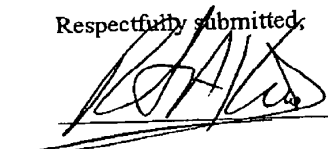
Mail Stop Ex Parte ReExam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**
DRINKER BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: (215) 988.3392
Fax: (215) 988.2757

Doc Code:

PTO/SB/08 (09-04)
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: DMT Licensing, LLC

Application No./Patent No.: 5,675,734 Filed/Issue Date: 10/07/1997

Entitled: System for Transmitting Desired Digital Video or Audio Signals

DMT Licensing, LLC, a Delaware Limited Liability Company
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest; or
- 2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

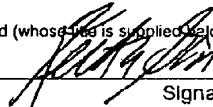
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose name is supplied below) is authorized to act on behalf of the assignee.



Signature
Kenneth Glick
Printed or Typed Name
Assistant Secretary, DMT Licensing, LLC
Title

12/22/2005

Date
609-734-9562

Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FROM

(FRI) 1. 13' 06 14:39/ST. 14:12/NO. 4864940421 P 77

EXHIBIT E

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PAGE 77/84 * RCVD AT 1/13/2006 2:11:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-8/25 * DNIS:2739900 * CSID: * DURATION (mm-ss):22-50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ARTHUR R. HAIR)
Reexamination Control No. 90/007,403)
Reexamination Filed: January 31, 2005)
Patent Number: 5,675,734	) A SYSTEM FOR TRANSMITTING
Examiner: Benjamin E. Lanier	) DESIRED DIGITAL VIDEO OR
	) 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 5,675,734 (the "'734 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 '734 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 '734 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;
- Telephoning the seller, which can include transmitting data to the seller by telephone;
- Providing the buyer's credit card number to the seller so that the seller can charge the buyer money;
- Encoding the digital audio or video signals for sale into a configuration that would prevent unauthorized copying;

- Storing a copy of the encoded digital audio or video signals from the hard disk that is controlled by the seller into the RAM that is controlled by the seller. However, an entire copy of the digital audio or video signals need not be stored at one time in RAM;
- Transferring the stored copy of the encoded digital audio or video signals from the RAM controlled by the seller to the buyer's computer memory. This must occur while the buyer is in possession of and control over her computer memory; and
- Storing the transferred copy of the encoded 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 21 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. The buyer has a credit card account with an associated credit card number.

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 wishes to purchase.

14. Napster Light prompts the online buyer to provide credit card information to pay for the digital music file he or she wishes to purchase. The buyer enters the credit card information into appropriate fields on a Napster pop-up window. The credit card information is sent to Napster Light via the Internet so the credit card can be charged for the purchase price of the selected digital music file.

15. 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. The digital music file is encrypted to prevent unauthorized use.

16. The download process occurs by buffering a copy of the encrypted digital music files from Napster Light's hard disk to Napster Light's RAM memory. The buffered copy is then transmitted over the Internet to the online buyer's computer. The transmitted copy is buffered and stored in the online buyer's computer hard disk. Throughout this downloading process, the online buyer is in control of her computer's memory.

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 write 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").

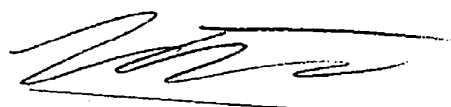
19. In view of the foregoing, I have determined that Napster Light embodies the elements taught in the '734 Patent. As a result, it can be concluded that Napster Light has copied the teachings of the '734 Patent.

20. Also in view of the foregoing, I have determined that Napster Light 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 Napster Light 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.

FROM

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EXHIBIT D

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PAGE 72/84 * RCVD AT 1/13/2006 2:11:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-8/25 * DNIS:2739900 * CSID: * DURATION (mm-ss):22-50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 ARTHUR R. HAIR)
)
 Reexamination Control No. 90/007,403)
)
 Reexamination Filed: January 31, 2005)
) SYSTEM FOR TRANSMITTING
) DESIRED DIGITAL VIDEO OR
 Patent Number: 5,675,734) AUDIO SIGNALS
)
 Examiner: Benjamin E. Lanier)

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

FROM

(FRI) 1. 13' 06 14:37/ST. 14:12/NO. 4864940421 P 65

EXHIBIT A

KENNETH C. POHLMANN
University of Miami
Frost School of Music
1314 Miller Drive
Coral Gables, FL 33124
(305) 284-5995
(305) 284-4448 fax
pohlmann@miami.edu

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

FROM

(FRI) 1. 13 '06 14:38/ST. 14:12/NO. 4864940421 P 71

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
ARTHUR R. HAIR)	
Reexamination Control No. 90/007,403)	
Reexamination Filed: January 31, 2005	)	SYSTEM FOR TRANSMITTING
Patent Number: 5,675,734	)	DESIRED DIGITAL VIDEO OR
Examiner: Benjamin E. Lanier	)	AUDIO SIGNALS

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

FROM

(FRI) 1. 13' 06 14:29/ST. 14:12/NO. 4864940421 P 36

EXHIBIT B

NS

PAGE 36/84 * RCVD AT 1/13/2006 2:11:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2739900 * CSID: * DURATION (mm-ss):22-50

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." (Plf.'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

store, where the consumer would not have "possession and control" over the device, as required by the Hair Invention. (Tygar Rebuttal at 75-76.)

Defendants correctly point out that in Interactive Gift Express, Inc. v. Compuserve, Inc., 256 F.3d 1323, 1334 (Fed. Cir. 2001), the Court construed "point of sale kiosk" to include a location in a consumer's home, contrary to Dr. Tygar's conclusion that it was limited to a business location. However, 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" on which the information is recorded "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 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 consumer's 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.)

g. The Hellman Patent:

This patent was issued in April 1987 and describes a "software distribution system." (Hayes Decl. Exh. 24, U.S. Patent No. 4,658,093, "the Hellman Patent.") The patent description concentrates on a mechanical means of preventing unauthorized copying. That is, the digital signal downloaded to the customer is never encrypted, per se; instead, the consumer must purchase a specially manufactured base unit which has a built-in decoder key. (Hellman Patent, col. 4, lines 37-63.) In order to playback the software, music or movie the consumer has purchased and downloaded, he initiates another contact to the seller who sends a signal to "unlock" the playback mechanism. In this sense, the Hellman Patent envisions a system more like "pay per view" television in that the copyright holder controls playback, not the consumer. (Defs.' Brief at 12.) As Dr. Tygar points out, the need for a special base unit (as compared to a personal computer) and the lack of control by the consumer both teach away from the Hair Invention. (Tygar Rebuttal at 79.)

In sum, Dr. Tygar offers precise reasons why the prior art referenced by Defendants both fails to disclose the elements of the Sightsound Patents and fails to render the Asserted Claims obvious. Some prior art – for instance, the IRD Reports and the Hellman Patent – actually teach away from the Sightsound Patents and would thus discourage one skilled in the art in 1988 from attempting to develop a system or methodology comparable to the Hair Invention.

There is another question to be considered, however, and that is whether one skilled in the art would be motivated to combine the teachings of Akashi, PAN, Compusonics and/or other prior art to arrive at the Hair Invention. The Federal

Circuit has stated:

Evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be clear and particular.

Winner Int'l, 202 F.3d at 1348-49 (citations omitted).

As noted above, the purpose of the "motivation to combine" requirement is to prevent the use of hindsight based on the invention to defeat its patentability. "In other words, the [party opposing the patent] must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

Dr. Tygar has offered his views as to why none of the prior art references, read in combination with other prior art, would render the Asserted Claims obvious. Moreover, he has put forth several arguments to support the conclusion that some prior art references actually teach away from certain Sightsound elements such as copy protection or a single unit to control all aspects of the consumer's use of the invention. (See, e.g., Tygar Rebuttal at 54-55 (Bowen Article); 64, 66, 67 (IRD Reports); 75-76 (Freeny Patent); 76-78 (Akashi Patent); 78 (PAN); 78 (Compusonics); and 79 (Hellman).) These reasons are sufficiently cogent and well-reasoned that a factfinder could conclude the Sightsound Patents were not obvious.

Furthermore, I find that summary judgment must be denied because there are underlying unresolved questions of fact with regard to evidence of secondary considerations of non-obviousness. Secondary considerations can "provide objective evidence of how the patented device is viewed in the marketplace, by those directly interested in the product." Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 1391 (Fed. Cir. 1988). Secondary considerations include (1) long-felt but unsolved need; (2) commercial success of the invention; (3) failed efforts of others; (4) copying by others; (5) praise for the invention; (7) unexpected results; (8) disbelief of experts; (9) general skepticism of those in the art; (10) commercial acquiescence; and (11) simultaneous development. See Nat'l Steel Car, Ltd. v. Canadian Pac. Ry. Co., 254 F. Supp.2d 527, 570 (E.D. Pa. 2003), and cases cited therein. "Evidence of secondary considerations may often be the most probative and cogent evidence in the record. It may often establish that an invention appearing to have been obvious in light of the prior art was not. It is to be considered as part of all the evidence, not just when the decisionmaker remains in doubt after reviewing the art." Stratoflex, Inc. v. Aerogulp Corp., 713 F.2d 1530, 1538-39 (Fed. Cir. 1983). However, "there must be a nexus between the claimed invention and the secondary considerations before the evidence is relevant to the question of obviousness." Nat'l Steel Car, Id., citing SIBIA Neurosciences, 225 F.3d at 1358-59.

Plaintiff has presented evidence showing that not later than 1987, Compusonics had abandoned its efforts to commercialize the music downloading

Industry" and, in fact, Dr. Tygar opined that none of the systems incorporating prior art survived as a consumer oriented mass market distribution system for digital music distribution. (Tygar Rebuttal at 80.) As he also noted, the IRD Reports reflected a general skepticism in 1986 for the viability of a teledelivery system for digital audio signals. At the same time, numerous articles dating from the 1990s show an ongoing interest in such services, establishing the fact that there was a long-felt need for the invention. (PIF's Exh. C, Rebuttal Report of Frederic R. Miller, "Miller Rebuttal," at 5.) We also know from the history of this case that while the '440 Patent application was still pending, Sightsound accused N2K of illegally copying technology covered by its earlier Patents.

On the other hand, Defendants essentially omit any discussion of secondary considerations from their Brief in Support of the Motion for Summary Judgment. In their Reply Brief, their argument on this point is limited to a conclusory statement: "Sightsound has not presented relevant evidence of secondary considerations because it failed to establish a nexus between the merits of the claimed invention and the evidence offered." (Defs.' Reply Brief at 6, citing Cable Electric Prods., Inc. v. Genmark, Inc., 770 F.2d 1015, 1027 (Fed. Cir. 1985);²⁷ Slolund v Musland, 847 F.2d 1573 (Fed. Cir. 1988); Windsurfing Int'l Inc., *supra*.) I have reviewed

²⁷ A former principal in Compusonics, David Schwartz, testified at his deposition that sometime in 1986 or 1987, his company "gave up on trying to commercialize" telerecording (which he defined as buying, selling and databasing music libraries for sale on demand.) (PIF's Exh. M, Deposition of David Schwartz, at 97.) He explained that record companies in the United States, Europe and Japan "were not receptive to the concept in any way, shape, or form." (*Id.* at 142.)

²⁸ Overruled on other grounds by Midwest Indus., Inc. v. Karavan Trailers, Inc., 175 F.3d 1356, 1358 (Fed. Cir. 1999).

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

Judgment, particularly where those conflicts arise from competing expert opinions, the resolution of which is a matter reserved to the jury. See Liberty Lobby, 477 U.S. 242 at 255 ("Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge, whether he is ruling on a motion for summary judgment or for a directed verdict.") Here, numerous disputed questions of fact exist, not the least of which are 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. As a result, Defendants' Motion for Summary Judgment is denied with regard to its argument that the Sightsound Patents are invalid due to obviousness.

D. Did Plaintiff Calculate Its Alleged Damages Using a Method Invalid as a Matter of Law?

Defendants argue that the methodology used by Sightsound for calculating its alleged damages against CDNow is invalid as a matter of law.²⁹ (Defs.' Motion at 1-2.) They seek partial summary judgment on the grounds that there is no factual or legal basis for calculating a "reasonable royalty" that includes a sixteen million dollar up-front royalty payment. (Id. at 2.)

The parties agree that Plaintiff's choice to calculate its damages from the alleged infringement is based on the acceptable theory of "reasonable royalty," one method by which compensatory damages may be measured. They further agree that a reasonable royalty is assumed to be that which would have resulted from a

²⁹ This argument does not apply to the alleged damages claimed against Defendant N2K.

FROM

(FRI) 1. 13' 06 14:33/ST. 14:12/NO. 4864940421 P 52

EXHIBIT C

NS

PAGE 52/84 * RCVD AT 1/13/2006 2:11:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738900 * CSID: * DURATION (mm-ss):22-50

FROM

(FRI) 1. 13' 06 14:28/ST. 14:12/NO. 4864940421 P 34

EXHIBIT A

NS

PAGE 34/84 * RCVD AT 1/13/2006 2:11:49 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2739900 * CSID: * DURATION (mm-ss):22-50

**CHART OF CLAIMS REJECTIONS
FOR REEXAMINATION 90/007,403**

Claims Rejected	Akashi	Freeny	Gallagher	Ohta	Eggers	Thomas	Chace
1, 2	X	X	X	X			
3, 4, 6-10, 13, 16, 17, 19, 22-25, 28 31-34	X	X	X	X	X	X	
11, 12, 15	X	X	X		X	X	
14	X	X	X	X	X	X	X
18	X	X	X	X	X	X	X

"X" indicates that a reference was applied in rejecting a group of Claims.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
ARTHUR R. HAIR)
)
Reexamination Control No. 90/007,403)
)
Reexamination Filed: January 31, 2005	) SYSTEM FOR TRANSMITTING
	) DESIRED DIGITAL VIDEO OR
Patent Number: 5,675,734	) AUDIO SIGNALS
)
Examiner: Benjamin E. Lanier)

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 remarks:
Remarks begin on page 2 of this paper.

Part II

REMARKS

Claims 1-4, 6-19, 22-25, 28 and 31-34 are currently active. Claims 1-4, 6-19, 22-25, 28 and 31-34 have been rejected.

There have been no amendments to the claims with this response.

Rejection For Non-Statutory Obviousness-Type Double-Patenting

In the most recent Office Action in reexamination 90/007,403 (the "403 Reexam"), Claims 1-4, 6-19, 22-25, 28 and 31-34 of U.S. Patent Number 5,675,734 (the "734 Patent") have been rejected under the judicially created doctrine of obviousness-type double-patenting over Claims 1-6 of U.S. Patent Number 5,191,573 (the "573 Patent"), which is co-pending reexamination 90/007,402 (the "402 Reexam") in combination with Gallagher and Ohta, and separately over Claims 1-63 of U.S. Patent Number 5,966,440 (the "440 Patent"), which is co-pending reexamination 90/007,407 (the "407 Reexam") alone.

Applicant submits that these double-patenting rejections are improper as applied to the instant claims for the reasons set forth below. Applicant therefore respectfully requests that the rejections be withdrawn.

Obviousness-Type Double-Patenting Is Not A New Issue Related To Patentability And Is Therefore Inappropriate In The Instant Reexamination

Applicant respectfully submits that it is not appropriate to consider and assert obviousness-type double-patenting in the present reexamination because it does not present a "substantial new question of patentability."

During the prosecution of the applications that eventually resulted in the '440 and '734 Patents, both applications were co-pending before the same Examiner. Indeed, the same Examiner who issued the '440 Patent and the subject '734 Patent also issued the '573 Patent.

The Examiner in each case therefore was well aware of the scope of the claims in each application and the patents that issued from those applications. This by itself indicates the issue of double-patenting was before the Examiner in the original examination of the subject '734 Patent, and therefore does not present a "substantial new question of patentability."

35 U.S.C. § 303 permits the Director to "determine whether a substantial new question of patentability is raised." While the fact that a patent or printed publication was previously cited or considered may not preclude the existence of a substantial new question of patentability in some circumstances, the plain language of the statute nonetheless requires that the *question of patentability* raised must be new. Applicant therefore believes it is improper on reexamination to re-raise a ground for rejection that was already addressed by the Examiner in the original examination of the patent(s) at issue. Moreover, Applicant believes the case law squarely support's Applicant's position on this point. See *In re Recreative Technologies Corp.*, 83 F.3d 1394, 1398 (Fed. Cir. 1996) ("Reexamination is barred for questions of patentability that were decided in the original examination.")

In the present case, the prosecution history of the '734 Patent shows unequivocally that Applicant's attorney *specifically requested* that the Examiner consider any issues of double-patenting that may result from the issuance of the '734 Patent. The Applicant's attorney expressly stated to the Examiner:

"Applicant requests the Examiner to review any double patenting possibility of the above-identified patent application in regard to U.S. Patent 5,191,573. If the Examiner determines there is no need for any double patenting concern, the applicant requests that the Examiner deem this request to consider double patenting as moot."
(Response to Office Action filed by Ansel Schwartz July 13, 1994).

Further, in the related copending application that resulted in the '440 Patent, the Applicant again brought the issue of double-patenting to the Examiner's attention. Specifically, Applicant's attorney stated to the Examiner:

"Applicant reminds the Examiner of related continuation application 08/607,648 and asks the Examiner to review whether there is any double patenting issue with regard to this application 08/607,648 or parent patent, U.S. Patent No. 5,191,573."
(Response to Office Action filed by Ansel Schwartz July 3, 1996)

Notwithstanding this express raising of the question *twice* by Applicant, the Examiner in subsequent Office Actions declined to find an issue of double-patenting in the two co-pending applications that resulted in the issuance of the '734 and the '440 Patents, with respect to each other or the '573 Patent. Thus, the Examiner plainly had the impetus and the opportunity to make a double patenting rejection had the Examiner felt it was warranted. It therefore follows, *a fortiori*, that the question of double-patenting cannot, as a matter of law and fact, present a "substantial new question of patentability" in the present proceedings.

Moreover, Applicant respectfully submits that Applicant was and is entitled to rely on the Examiner's declining to make a rejection for double-patenting in response to the Applicant's specific request to consider the issue. Applicant should not now be forced to face that same issue in the instant reexamination. That is exactly what 35 U.S.C. § 303 is intended to avoid. Indeed, as recognized by the Court of Appeals for the Federal Circuit ("CAFC") in *Recreative Technologies*, the "substantial new question requirement would protect patentees from having to respond to, or participate in unjustified reexaminations. Further, it would act to bar

reconsideration of any argument already decided by the Office” and, as a result, “the statute [35 U.S.C. § 303] guarded against simply repeating the prior examination on the same issues and arguments.” *Id.* at 1397.

Applicant therefore respectfully submits that the issue of double-patenting over the '573 and '440 Patents was properly before the Examiner and passed on by the Examiner during the original prosecution of the '734 Patent. Applicant submits that, under the plain meaning of the statute, and the CAFC's holding in *Recreative Technologies*, double-patenting, under the present circumstances, is not a “substantial new question of patentability” within 35 U.S.C. § 303, and therefore is not a proper issue to be considered in this reexamination. Applicant therefore respectfully requests that the rejection of Claims 1-4, 6-19, 22-25, 28 and 31-34 for obviousness-type double-patenting over Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta, and over Claims 1-63 of the '440 Patent, be withdrawn.

Issuance Of The '734 Patent Will Not Result In A Timewise Extension Of The '440 Patent

The basic concept of double patenting is that the same invention cannot be patented more than once, which, if it occurred, would result in a second patent that would expire some time after a first patent expired, thereby extending the first patent's protection timewise. *General Foods Corp. v. Studiengesellschaft Kohle mb H*, 972 F.2d 1272, 1279-80, 23 USPQ2d 1839, 1845 (Fed. Cir. 1992); *In re Kaplan*, 789 F.2d 1574, 1579-80, 229 USPQ 678, 683 (Fed. Cir. 1986).

Applicant respectfully submits that issuance of Claims 1-4, 6-19, 22-25, 28 and 31-34 will not result in a timewise extension of the '440 Patent in the present case.

The '734 Patent expires *before* the '440 Patent. Thus, any patent issuing from the instant

reexamination will have a term ending before that of any patent issuing from the co-pending '407 Reexam. Therefore, even if the claims of the '734 Patent and '440 Patent were co-extensive -- which they are not -- allowing the '734 Patent to issue would *not* result in a timewise extension of the protection of the '440 Patent. Applicant therefore respectfully submits that a double-patenting rejection of Claims 1-4, 6-19, 22-25, 28 and 31-34 over Claims 1-63 of the '440 Patent under these circumstances is improper and Applicant requests that the Examiner withdraw the rejection.

The Rejection Of Claims 1-4, 6-19, 22-25, 28 And 31-34 Over Claims 1-63 Of The '440 Patent Alone Is Improper In An Obviousness-Type Double-Patenting Rejection

Claims 1-4, 6-19, 22-25, 28 and 31-34 of the '734 Patent have been rejected over Claims 1-63 of the '440 Patent without any citation to prior art or the knowledge of those having ordinary skill in the art. Applicant respectfully traverses this rejection, on the grounds that a rejection for obviousness-type double-patenting that is unsupported by some suggestion in the prior art, or the knowledge of one having ordinary skill in the art, is improper.

The Board of Patent Appeals and Interferences (the "Board") dealt with this very same issue in *Ex parte Schmit*, 64 USPQ.2d, 1723. In *Schmit*, the Board reversed a rejection under the doctrine of obviousness-type double-patenting, where the Examiner had relied on a combination of "references" both of which were parents of the application at issue. In its opinion, the Board interpreted its own precedent in *Ex parte Oetiker*, 23 USPQ2d 1651 (Bd. App. 1990), and the precedent of the CAFC, *In re Longi*, 774 F.2d 1100, 225 USPQ 645 (Fed. Cir. 1985). The Board recognized this precedent to "stand for the proposition *that prior art must be cited* to support an obviousness-type double-patenting rejection." *Schmit*, at 1725. (emphasis added) The Board therefore properly held that, "[a]bsent citation of prior art in addition to the base patent, there is

no factual basis for the [obviousness-type double-patenting] rejection.” *Id.* As a result, in the present reexamination, although the claims of the ‘440 Patent can be asserted by the Examiner as a partial basis for an obviousness-type double patenting rejection, the ‘440 Patent cannot *by itself* support such a rejection. See *Ex parte Schmit*, 64 USPQ.2d, 1723; *In re White and Langer*, 405 F.2d 904, 160 USPQ 417 (CCPA 1969) (“Having been copending with the application at bar, appellants’ own patent is not prior art although it is the basis of the double patenting rejection.”); *Research Corporation Technologies, Inc. v. Gensia Laboratories, Inc.*, 10 Fed.Appx. 856, 2001 WL 287093 (Fed. Cir. 2001) (“In considering the question [double-patenting], the patent disclosure may not be used as prior art.”)

The instant obviousness-type double-patenting rejection implicitly acknowledges that Claims 1-4, 6-19, 22-25, 28 and 31-34 are not co-extensive with the Claims 1-63 of the ‘440 Patent. Therefore, Applicant respectfully submits that, under *Oetiker* and *Longi*, as adopted by the Board in *Schmit*, it was necessary to show some rationale, either in the prior art, or the knowledge of one having ordinary skill in the art, as to why Claims 1-4, 6-19, 22-25, 28 and 31-34 are obvious over Claims 1-63 of the ‘440 Patent. Since this rationale does not appear of record, Applicant respectfully submits that the instant double-patenting rejection over Claims 1-63 of the ‘440 Patent should be withdrawn.¹

¹ Parenthetically, Applicant notes that *Schmit* was not published as binding precedent of the Board. Nonetheless, for the reasons set forth above, Applicant believes it is abundantly clear that *Schmit* was correctly decided and is supported by the precedent of the CCPA and CAFC. Applicant therefore respectfully suggests that the Examiner should follow the Board’s holding in the present reexamination.

The Rejection Of Claims 1-4, 6-19, 22-25, 28 And 31-34 Over The 'Claims Of The '573 Patent In Combination With Gallagher And Ohta In The Obviousness-Type Double-Patenting Rejection Is Inconsistent With Other Positions Taken By The Examiner

The Examiner has rejected Claims 1-4, 6-19, 22-25, 28 and 31-34 over Claims 1-6 of the '573 Patent in light of Gallagher and Ohta. Applicant respectfully traverses this rejection, on the grounds that the rejection for obviousness-type double-patenting is unsupported by the prior art cited by the Examiner, and is further inconsistent with positions taken by the Examiner in his Section 103(a) rejections of the claims.

Although prior art is cited to support the obviousness-type double patenting rejection in this instance, Applicant respectfully submits that the Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta are insufficient to render Claims 1-4, 6-19, 22-25, 28 and 31-34 obvious.

Applicant bases this position in part on the inconsistency in the arguments made in the Section 103(a) rejections of Claims 1-6 of the '573 Patent in the co-pending '402 Reexam and Claims 1-4, 6-19, 22-25, 28 and 31-34 in the instant reexamination. To clarify this point, Applicant refers to the chart of the rejections of Claims 1-4, 6-19, 22-25, 28 and 31-34 under Section 103(a), attached as Exhibit A. That chart shows the following.

- Claims 1 and 2 are rejected over the combination of Akashi, Freeny, Gallagher and Ohta.
- Claims 11, 12 and 15 are rejected over the combination of Akashi, Freeny, Gallagher, Eggers and Thomas.²
- Claims 3, 4, 6-10, 13, 16-19, 22-25, 28 and 31-34 are rejected over the combination Akashi, Freeny, Gallagher, Ohta, Eggers and Thomas.

² Applicant notes that the instant Office Action contains two rejections of Claim 11; one that includes Ohta, and one that does not. Applicant assumes the rejection that includes Ohta was included in error.

- Claim 14 is rejected over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace.

In rejecting Claims 1-6 of the '573 Patent as obvious under Section 103(a), it was determined that only *two* prior art references were necessary: Akashi and Freeny. However, in rejecting Claims 3-4, 6-19, 22-25, 28 and 31-34 as obvious under Section 103(a), it was determined that it was necessary to cite up to *five additional references*: Gallagher, Ohta, Eggers, Thomas and Chace, in combination with Akashi, Freeny. Applicant therefore respectfully submits that, implicit in these Section 103(a) rejections, is the determination that Claims 3-4, 6-19, 22-25, 28 and 31-34 must recite elements not taught in Claims 1-6 of the '573 Patent, Ohta and Gallagher.

Applicant submits that this inconsistency is fundamentally unfair to Applicant since it is unclear as to just what prior art is necessary to render Claims 1-4, 6-19, 22-25, 28 and 31-34 obvious. Applicant respectfully submits that, if various combinations of up to seven references are necessary to render the majority of Claims 1-4, 6-19, 22-25, 28 and 31-34 obvious under Section 103(a), then, logically, the double-patenting rejection over *only* Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta alone cannot be appropriate.

Notwithstanding The Inconsistency Of The Rejections, The Art Of Record In Combination With Claims 1-6 Of the '573 Patent Is Insufficient To Render Claims 1-4, 6-19, 22-25, 28 and 31-34 Obvious

Notwithstanding the above cited inconsistencies, Applicant submits that, as a matter of fact and law, Claims 1-4, 6-19, 22-25, 28 and 31-34 are not obvious over Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta, or any of the other art cited.

With respect to Claims 1 and 2, Applicant respectfully refers the Examiner to Applicant's rebuttal of the rejections under Section 103(a) over the combination of Akashi, Freeny, Gallagher and Ohta, which are set forth on pages 13 to 19, *infra.*, and incorporated herein by reference as if repeated in its entirety. Applicant submits that the same arguments regarding the insufficiency of the combination of Akashi, Freeny, Gallagher and Ohta made with respect to the Section 103(a) rejections, apply equally to the instant double-patenting rejections. As a result, Applicant submits that Claims 1 and 2 cannot be obvious over Claims 1-6 of the '573 Patent in combination with Gallagher and Ohta, as the combination is improper.

Further, Applicant respectfully submits that, if the rejections of Claims 3-4, 6-19, 22-25, 28 and 31-34 for obviousness-type double-patenting had been consistent with the rejections under Section 103(a) -- which they are not for the reasons discussed above -- then Applicant's arguments at pages 13 to 22, *infra*, regarding the insufficiency of the various combinations of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace with respect to the Section 103(a) rejections apply equally to the double-patenting rejections. Applicant therefore incorporates herein by reference, as if repeated in their entirety, those arguments regarding the insufficiency of the various combinations of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace with respect to the Section 103(a) rejections herein by reference as if repeated in their entirety. As a result, Applicant respectfully submits that Claims 3-4, 6-19, 22-25, 28 and 31-34 cannot be obvious over Claims 1-6 of the '573 Patent in combination with any of these references, as the combination is improper.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has cited a minimum of four references (for Claims 1 and 2) and up to seven references (for Claim 14) in various combinations, in an effort to make out a *prima facie* case of obviousness under 35 U.S.C. § 103(a) of the claims under reexamination. As demonstrated in the chart attached as Exhibit A, the majority of the rejections under Section 103(a) (for Claims 3, 4, 6-10, 13, 16-19, 22-25, 28 and 31-34) relies on no less than six references. Applicant respectfully submits that the very number of cited references, in and of itself, is indicative of the non-obviousness of the invention recited in Claims 1-4, 6-19, 22-25, 28 and 31-34.

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 B. 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 1-4, 6-19, 22-25, 28 and 31-34 has been located in this large number of varied references, 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 the various references.³ Because a rigorous showing of teaching or motivation to combine the numerous cited references has not been provided as required by the CAFC, a *prima facie* case of obviousness has not been established.

Turning now to the references cited by the Examiner, Applicant will discuss each and the combinations proposed by the Examiner. Applicant will demonstrate that the references, individually, or in combination, do not establish a *prima facie* case of obviousness. For convenience, Applicant refers the Examiner to the chart of the claims and the references applied in each rejection, attached as Exhibit A. For clarity of presentation, Applicant will discuss the combinations of references proposed and the deficiencies of those combinations by referencing the attached chart for the claims affected.

a) Combination Of Akashi With Freeny

The combination of Akashi with Freeny has been applied to all of Claims 1-4, 6-19, 22-25, 28 and 31-34. Akashi discloses an automated sales system for music on record albums.

³ The '734 Patent has a priority date of June 13, 1988. Thus, Applicant's invention was made at least as early as that date.

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 recordable optical disk that allows data to be read immediately after the data is written. See Akashi Para. 4.

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 C, 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 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.

The combination of Akashi and Freeny also is applied to all of Claims 1-4, 6-19, 22-25, 28 and 31-34 with at least two additional references in each instance. On the above bases alone, Applicant respectfully submits that the combination of Freeny and Akashi cannot, by itself, or in combination with other art, support a *prima facie* case of obviousness of any of Claims 1-4, 6-19, 22-25, 28 and 31-34. This is because any further combination asserted by the Examiner includes the improper combination of Akashi with Freeny. In other words, any further combination of references that includes the failed subcombination of Akashi and Freeny respectively has its chain of references "broken," and therefore cannot stand. Nonetheless, since the Examiner has cited additional art to allege *prima facie* obviousness for all claims, Applicant will for the sake of completeness address such additional references below.

b) Combination Of Gallagher And/Or Ohta With Akashi And Freeny

Gallagher and Ohta are cited by the Examiner for the element of a hard disk as a storage means. The Examiner cites Gallagher to cure the deficiency of Akashi, which does not disclose a hard disk storage for the source of music to be sold. Ohta's disclosure of a personal computer is used to cure the deficiency of Akashi not disclosing a hard disk for storage of music after it is purchased. Gallagher is also cited for the element of a RAM buffer storage and encryption or encoding. Gallagher and/or Ohta are applied to Claims 1-4, 6-19, 22-25, 28 and 31-34. See the

chart attached as Exhibit A. Applicant respectfully submits that the combination of Gallagher and/or Ohta with Akashi and Freeny is insufficient to establish a *prima facie* case of obviousness of any of the foregoing Claims 1-4, 6-19, 22-25, 28 and 31-34.

With respect to Ohta, that reference discloses a magnetic tape cartridge compatible with a disk drive. As stated in the Declaration of Kenneth Pohlmann, Ohta has no relevant disclosure other than a single sentence stating that some computers have hard drives. See Pohlmann Dec. para. 34. From this statement, the Examiner concludes that it would have been obvious to modify Akashi to provide a hard drive for storage of music purchased using the system of Akashi. This analysis does not take account of the fact that the very purpose of the system of Akashi is to provide a means of selling copies of music in the form of CDs or tapes, which can be removed and are portable. Providing a hard drive in the system of Akashi would be contrary to, and in fact defeat, this purpose. The analysis also ignores the requisite inclusion of Freeny in combination with Akashi. Including Freeny with a system as taught in Akashi that has been modified to include a hard disk for storage of purchased music and video would lead to an incongruous result. Freeny explicitly teaches the manufacturing and selling of material objects such as tapes, CDs, greeting cards, maps and sheet music. Freeny, col. 4, lns. 36-55. The use of a hard drive to store the purchased information is wholly unrelated to the goal of manufacturing and selling material objects and is thus contrary to the teaching of Freeny, which requires sale of a material object, purchasable and removable from the point of manufacture. See Pohlmann Dec. para. 15.

With respect to Gallagher, the analysis still does not take account of the fact that Freeny is included in any combination that includes Gallagher. Gallagher teaches a system for

supplying music from a central storage unit to at least one user unit. Individual users produce copies on optical disks or tape at the individual user units. In the first instance, Applicant respectfully submits that Gallagher does not disclose the use of a hard disk to store music at a central storage unit. Gallagher also does not teach that the user unit has a hard disk. See Pohlmann Dec. para. 19. Instead, Gallagher discloses a system with three distinct units; (1) a source unit, which is in the control of a musician, (2) a central storage unit in the control of a music company, and (3) at least one user unit in the control of a user. A close reading of Gallagher reveals that it is the source unit which is disclosed as potentially having a hard disk storage, not the central storage unit, from which users acquire music.

Significantly, Freeny discloses a system where information to be copied at the time of the sale is stored at the point of sale location, not at a remote central database. This is contrary to the concept of both Akashi and Gallagher.

"[I]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of what other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art." *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448 230 USPQ 416, 419 (Fed. Cir. 1986). While an examiner is free to combine as many references as he/she wishes, he/she is not free to simply pluck individual elements from these references, while ignoring their full teachings. See *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ.2d 1780, 1784 (Fed. Cir. 1992) ("[An examiner] cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.") With respect to the combination of Gallagher with Ohta, as discussed above, Ohta contains no teaching whatsoever

regarding the recording of audio or video information. As no other prior art reference or knowledge available to one having skill in the art at the time of Applicant's invention has been cited, no motivation for combining Gallagher and Ohta, much less with Akashi and Freeney has been established. Applicant therefore respectfully submits that Gallagher and Ohta should be withdrawn as references in the present case.

c) Combination Of Eggers, Thomas And/Or Chace With Akashi, Freeny, Gallagher And Ohta

Eggers and Thomas are cited by the Examiner for features of video playback. Specifically, Eggers is cited for the playback of video on a "computer" monitor, and Thomas is cited for a playback RAM. Chace is cited for the use of a speaker or speakers in conjunction with a personal computer. Eggers, Thomas and/or Chace are applied to Claims 3, 4, 6-19, 22-25, 28 and 31-34.

Eggers, Thomas and Chace all relate to playback of audio and video information. It is asserted by the Examiner that it would be obvious to combine the teachings of these several references with Akashi, Freeny, Gallagher and Ohta. Applicant respectfully submits that this analysis again simply plucks individual elements out of the cited references without regard to the fundamental incompatibility of their teachings with the other applied art. Akashi, Freeny and Gallagher all relate to making recorded copies of information. In Akashi and Gallagher, that information is limited to audio information. None of these references discusses the playing of audio information as it is sent from a central location. In fact, in the case of Freeny, this would interfere with the intended purpose as commercial outlets to sell multiple copies of information, since each customer would be forced to wait as a previous customer viewed or listened to video or audio information.

Eggers is devoted primarily to viewing of video information played from a central library in response to a request from a hotel guest or hospital patient. See Pohlmann Dec. para. 28. Eggers is completely silent as to the permanent copying of the video information by a user for later playback. The reference 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. It 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 Pohlmann Dec. para. 29-30. The primary purpose of the system in Eggers is to provide access to a library of recorded audio or video information, which can be accessed for viewing, but not copying. See Pohlmann Dec. para. 31.

In contrast, Akashi and Freeny are exclusively devoted to recording of information for later playback on a separate system. Although Gallagher does disclose recording and playback, Gallagher still has recording as its primary teaching. No explanation has been provided as to how one having ordinary skill in the art over 17 years ago, at the time of Applicant's invention, would be motivated to combine the teachings of Eggers with any of Akashi, Freeny or Gallagher. Indeed, Applicant respectfully submits that it is not possible to show such a motivation from the prior art, because the immediate play teaching of Eggers is incompatible with the later playback technology of Akashi, Freeny and Gallagher. The only possible source of motivation to combine these references is Applicant's own disclosure, the use of which to provide motivation is improper.

Similarly, there is no motivation presented to combine Thomas with any of Akashi, Freeny or Gallagher. Thomas discloses a method, apparatus and a system for recognizing broadcast segments. The reference teaches that the method, apparatus and system relate to the automatic recognition of broadcast segments, particularly commercial advertisements broadcast by television stations. It also teaches that its object is 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 segments is accomplished by constructing a digital signature from a known specimen of a segment which is to be recognized. See Pohlmann Dec. para. 32. Thomas is completely silent with respect to producing copies from recorded audio or video information in the form of a tape or optical disk. Similarly, Thomas is silent as to playing of audio or video information from a central library in response to a request, as taught by Eggers. See Pohlmann Dec. para. 33.

Finally, Applicant respectfully submits there is no suggestion or teaching in any of the prior art to support the use of Chace. The reference discloses an automated stereo synthesizer for audiovisual programs. See Pohlmann Dec. para. 35. Chace further 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. Chace teaches a conventional television monitor receives the video signals from a VCR and displays the video program on the monitor display screen. A video time code is also displayed in a code display region of the monitor's screen. The working cassette is played by the VCR in order to program the sound cues. The sound cues are a series of

commands which are selected and programmed into a system computer by an operator who watches the video program being displayed on the monitor. These sound cues are used during a playback mode of operation to alter the signals which are produced by a monaural sound track and thus create stereo sound signals. There is no teaching or suggestion whatsoever in Chace regarding the copying of audio or video information, as disclosed in Akashi, Freeny and Gallagher. As a result, Chace has nothing at all to do with the purchase or recording of video or audio information. See Pohlmann Dec. para. 26.

Chace is also unrelated to the system for random access to an audio video data library with independent selection and display at each of a plurality of remote locations taught in Eggers. Likewise, Chace is unrelated to the method, apparatus and system for automatic recognition of broadcast segments, particularly commercial advertisements broadcast by television stations taught by Thomas. As a result, there is no motivation to combine Chace with either of Eggers or Thomas.

Regarding the possibility of combining Ohta with any of Eggers, Thomas or Chace, Applicant again points out that Ohta contains no relevant teachings other than a single sentence stating that some computers have hard disks. See Pohlmann Dec. para. 34. As Ohta is not related to any of the systems taught by Eggers, Thomas or Chace, there would be no motivation to combine Ohta with any of these references.

Again, Applicant respectfully submits that the Examiner has simply pulled single elements out of wholly unrelated references and combined them based on his own knowledge of the invention recited in Claims 3, 4, 6-19, 22-25, 28 and 31-34. For a Section 103 rejection to stand, it must be based on an analysis of what the relevant prior art would teach to one having

ordinary skill in the art at the time of Applicant's invention. See MPEP 2142, *supra*. Because this analysis is missing from the suggested combination of Eggers, Thomas and Chace with the other cited art, a *prima facie* case of obviousness has not been established. Applicant therefore respectfully requests that Eggers, Thomas and Chace be withdrawn as references.

d) The Multiple Combinations Of References Cited By The Examiner Do Not Render Any Of The Claims Obvious

As described above, various combinations of the cited references have been used in an attempt to make out a *prima facie* case of obviousness for each claim. Applicant believes that the Previous discussion has demonstrated it is improper to combine any of the cited references, and thus Applicant has shown that a *prima facie* case of obviousness has not been established with respect to any of Claims 1-4, 6-19, 22-25, 28 and 31-34. Nonetheless, for certainty and clarity, Applicant will now address each rejection made by the Examiner.

Claims 1 and 2 were rejected over the combination of Akashi, Freeny, Gallagher and Ohta. Applicant respectfully submits that based on the improper combination of Akashi and Freeny alone, Claim 49 cannot be obvious. In addition, as discussed in subsection (b), *supra*, the combination of Gallagher with Freeny is improper for the same reason that it is improper to combine Akashi with Freeny. Additionally, Ohta contains no relevant disclosure other than that some computers have hard disks. As a result, there would have been no motivation to combine Ohta with any of Akashi, Freeny or Gallagher, none of which disclose a user unit with a hard drive. For these reasons, Applicant respectfully submits that Claims 1 and 2 are not obvious over the combination of Akashi, Freeny, Gallagher and Ohta.

Claims 11, 12 and 15 were rejected over the combination of Akashi, Freeny, Gallagher, Eggers and Thomas. Applicant again respectfully submits that, based on the improper

combination of Akashi and Freeny, either with or without the improper combination with Gallagher, Claims 11, 12 and 15 cannot be obvious. Applicant further respectfully submits that for the reasons stated in subsections (b) and (c), *supra*, it is improper to combine Thomas with any of Akashi, Freeny or Gallagher. This is because Thomas discloses a method, apparatus and a system for recognizing broadcast segments. Thomas is completely silent with respect to producing copies from recorded audio or video information in the form of a tape or optical disk. As a result, there is no motivation in any of Akashi, Freeny, Gallagher or Thomas to combine their teachings. Further, as set forth in subsection (c), *supra*, it is improper to combine Eggers with either of Akashi or Freeny as there is no motivation in any of the references to combine their teachings. In fact, as shown, the system taught in Eggers is inconsistent the distribution of audio or video information for the purpose of making permanent copies as taught by Akashi and Freeny. Finally, Thomas is wholly unrelated to Eggers, which is devoted primarily to viewing of video information played from a central library in response to a request from a hotel guest or hospital patient. As a result, there is no motivation in either of Eggers or Thomas to combine their teachings. For these reasons, Applicant respectfully submits that Claims 11, 12 and 15 are not obvious over the combination of Akashi, Freeny, Gallagher, Eggers and Thomas.

Claims 3, 4 and 6-10, 13, 16, 17, 19, 22-25, 28 and 31-34 were rejected over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers and Thomas. Applicant again respectfully submits that, based on the improper combination of Akashi and Freeny, either with or without the improper combinations with Gallagher, Ohta, Eggers or Thomas, Claims 3, 4 and 6-10, 13, 16, 17, 19, 22-25, 28 and 31-34 cannot be obvious. Applicant further respectfully submits that, for the reasons set forth in subsections (b) and (c), *supra*, it is improper to combine

Ohta with either of Thomas or Eggers. As set forth above, Ohta contains no relevant disclosure other than an isolated statement that some computers have hard disks. There is no disclosure in Ohta, Thomas or Eggers that would lead one having ordinary skill in the art at the time of Applicant's invention to combine Ohta with Thomas or Eggers. For these reasons, Applicant respectfully submits that Claims 3, 4 and 6-11, 13, 16, 17, 19, 22-25, 28 and 31-34 are not obvious over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers and Thomas.

Claims 14 and 18 were rejected over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace. Applicant again respectfully submits that, based on the improper combination of Akashi and Freeny, either with or without the improper combinations with Gallagher, Ohta, Eggers or Thomas, Claims 14 and 18 cannot be obvious. Applicant further respectfully submits that, for the reasons set forth in subsection (c), *supra*, it is improper to combine Chace with any of Akashi, Freeny, Gallagher, Ohta, Eggers or Thomas. As described above, Chace has nothing at all to do with the distribution or recording of video or audio information as disclosed by Akashi, Freeny and Gallagher. Chace is likewise unrelated to the systems disclosed by Eggers and Thomas. Therefore, there would be no motivation by one having ordinary skill in the art at the time of Applicant's invention to combine any of the teachings of Chace with Akashi, Freeny, Gallagher, Eggers or Thomas. Finally, Ohta contains no relevant disclosure other than that some computers have hard disks. As a result, there similarly would have been no motivation to combine Ohta with Chace. For these reasons, Applicant respectfully submits that Claims 14 and 18 are not obvious over the combination of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace.

In view of the foregoing improper combinations of Akashi, Freeny, Gallagher, Ohta, Eggers, Thomas and Chace, Applicant submits that a *prima facie* case of obviousness has not been established with respect to any of Claims 1-4, 6-19, 22-25, 28 and 31-34. Rather, it appears that the references were surveyed to find individual elements which 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 numerous 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 foregoing burden has been met in the current case. Applicant therefore respectfully requests reconsideration and withdrawal of the rejections of Claims 1-4, 6-19, 22-25, 28 and 31-34 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.⁴

In view of Applicant's arguments refuting the Examiner's rejection of Claims 1-4, 6-19, 22-25, 28 and 31-34 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, 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.

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

⁴ 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 therefore 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 by Arthur R. Hair attached hereto as Exhibit D, Applicant believes it unnecessary to pursue this issue here.

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 1-4, 6-19, 22-25, 28 and 31-34 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 D, the invention has in the past achieved significant commercial success.

Moreover, the invention continues to achieve commercial success in that it has been copied. The features of the invention, generally included in Claims 1-4, 6-19, 22-25, 28 and 31-34, 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., which is attached to this response as Exhibit E. Dr. Tygar is a professor at the University of California, Berkley 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., para. 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 1-4, 6-19, 22-25, 28 and 31-34 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 credit card account and 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 the credit card number, and receives the music file via a download process where an encrypted file is transferred from Napster's server to the buyer's computer. 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., Freeney and Akashi. Freeney teaches a point-of-sale device (e.g., a kiosk) that dispenses a material object (e.g., tape) containing the music purchased. See Freeney, col. 1, line 64 to col. 2, line 12. These features of Freeney plainly are not found in Napster. See Tygar Dec., para. 17. Akashi teaches writing data to a digital audio tape recorder or 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 operates. See Tygar Dec. para. 18.

Therefore, it is apparent that Napster chose to copy the system taught by the '734 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 that such selective copying by Napster of the invention recited in Claims 1-4, 6-19, 22-25, 28 and 31-34, 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 present 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.


CONCLUSION

Applicant believes the foregoing remarks have overcome or rendered moot all grounds for rejection. There being no other rejections or objections, Applicant believes 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,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
Response in Reexamination No. 90/007,403 was served via First Class United States
Mail, postage prepaid, this 27th day of December, 2005, on the following:

Mr. Albert S. Penilla
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Sunnyvale, CA 94085
Attorney for Third Party Reexamination Requester

By: 
~~Robert A. Koons, Jr.~~
Attorney for Patentee

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U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

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<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____</p> <p>A. Patent Application No.(s) <u>09/286,892</u> <u>09/469,802</u> <u>09/256,432</u> <u>09/706,048</u> <u>09/710,380</u></p> <p>B. Patent No.(s) <u>5,191,573</u> <u>5,675,734</u> <u>5,966,440</u> <u>6,014,491</u></p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Deborah Hartnett, Esq.</u> <u>Paul, Weiss, Rifkind, Wharton &</u> Internal Address: <u>Garrison</u></p> <p>Street Address: <u>1285 Avenue of the Americas</u></p> <p>City: <u>New York</u> State: <u>NY</u> Zip: <u>10019</u></p>	<p>6. Total number of applications and patents involved: <input checked="" type="checkbox"/> 9</p> <p>7. Total fee (37 CFR 3.41) _____ \$ <u>360.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: _____ (Attach duplicate copy of this page if paying by deposit account)</p>
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<p>9. Statement and signature <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <p><u>Minter Krotzer</u> <u>[Signature]</u> <u>10/24/01</u> Name of Person Signing Signature Date</p> <p>Total number of pages including cover sheet, attachments, and documents: <input checked="" type="checkbox"/> 6</p>	

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PAGE 35/39 * RCVD AT 1/13/2006 2:11:11 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2739900 * CSID: * DURATION (mm-ss):14-38

Notice of Grant of Security Interest in Patents

NOTICE OF GRANT OF SECURITY INTEREST IN PATENTS (the "Notice"), dated as of October 1, 2001, made by SIGHTSOUND TECHNOLOGIES, INC., a Delaware corporation ("Pledgor"), in favor of KENYON & KENYON ("KK"), Ansel M. Schwartz ("Schwartz"), Waterview Partners, LLP ("WPL") and D&DF Waterview Partners, L.P. ("DWPL"), (each, a "Secured Parties" and collectively, the "Secured Parties").

WHEREAS, Pledgor is the owner of certain patents and patent applications as set forth in Schedule 1 attached hereto (collectively, the "Patents"); and

WHEREAS, pursuant to the Security Agreement, dated as of the date hereof, between Pledgor and Secured Parties (the "Security Agreement"), Pledgor granted to Secured Parties a security interest in, and lien on, certain intellectual property of Pledgor, including (a) all letters patent of the United States or any other country and all reissues and extensions thereof, including, without limitation, the Patents, and the inventions and improvements described and claimed therein, if any, and patentable inventions, (b) the reissues, divisions, continuations, renewals, extensions, examinations and continuations-in-part of any of the foregoing, (c) all applications for any of the foregoing in the United States or any other country and (d) all agreements, whether written or oral, providing for the grant by or to Pledgor of any right to manufacture, use or sell any invention covered by a Patent, including, without limitation, any thereof referred to in Schedule 1 ("Patent Licenses"), in each case, now owned or hereafter acquired or in which Pledgor now has or at any time in the future may acquire any right, title or interest (collectively, the "Patent Collateral").

WHEREAS, pursuant to the Security Agreement, Pledgor agreed to execute and deliver to Secured Parties this Notice for purposes of filing the same with the United States Patent and Trademark Office (the "PTO") to confirm, evidence and perfect the security interest in the Patent Collateral granted pursuant to the Security Agreement;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the terms and conditions of the Security Agreement (as the same may be from time to time amended, restated or supplemented), the terms of which are incorporated by reference herein, Pledgor hereby grants to Secured Parties a security interest in, and lien, on the Patent Collateral.

Pledgor hereby acknowledges the sufficiency and completeness of this notice to create the security interest in the Patent Collateral and to grant the same to Secured Parties, and Pledgor hereby requests the PTO to file and record the same together with the annexed Schedule 1.

Pledgor and Secured Parties hereby acknowledge and agree that the security interest in the Patent Collateral may only be terminated, and Secured Parties

V: NY6: 44648.1

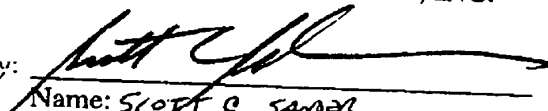
PATENT

PAGE 38/39 * RCVD AT 1/13/2006 2:11:11 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-6/24 * DNIS:2739900 * CSID: * DURATION (mm-ss):14:38:17

FROM
rights as secured parties may only be exercised, in accordance with the terms of the
Security Agreement.

IN WITNESS WHEREOF, the undersigned has caused this Notice to be
duly executed and delivered as of the date first above written.

SIGHTSOUND TECHNOLOGIES, INC.

By: 
Name: SCOTT C. SANDER
Title: PRESIDENT & CEO

NY6: 44648.1

PATENT

REEL: 012506 FRAME: 3418

FROM

(FRI) 1. 13 '06 14:32/ST. 14:09/NO. 4864940420 P 38

STATE OF *Pennsylvania*
: ss.:
COUNTY OF *Allegheny*

On the 15 day of October, 2001, before me the undersigned, personally appeared Scott C. Sander, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Eleanor A. Carpenter
Notary Public

Notarial Seal
Eleanor A. Carpenter, Notary Public
Mt. Lebanon Twp., Allegheny County
My Commission Expires May 2, 2005
Member, Pennsylvania Association of Notaries

#: NY6: 44648.1

PATENT

PAGE 38/39 * RCVD AT 1/13/2006 2:11:11 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2739900 * CSID: * DURATION (mm-ss):14:38:10

Schedule 1

Patents

A. Issued Patents

<u>Description</u>	<u>Patent No.</u>
Title: Method for Transmitting a Desired Digital Video or Audio Signal	5,191,573
Title: System for Transmitting Desired Digital Video or Audio Signals	5,675,734
Title: System and Method for Transmitting Desired Digital Video or Audio Signals	5,966,440
Title: Method and System for Manipulation of Audio or Video Signals	6,014,491

B. Patent Applications

<u>Patent No.</u>	<u>Application No.</u>
	09/286,892
	09/469,802
	09/256,432
	09/706,048
	09/710,380

Patent Licenses

There was a license with Henry R. Moore, an individual doing business as Moore Multimedia Publishing, dated March 25, 1999. Under the terms of the license, it has expired. However, Mr. Moore and SightSound have expressed an interest in renewing the license.

Doc#: NY6: 44648.1

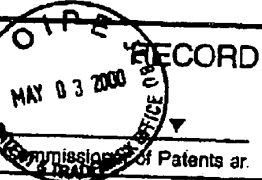
RECORDED: 10/24/2001

PATENT

PAGE 39/39 * RCVD AT 1/13/2006 2:11:11 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-8/24 * DNIS:2739900 * CSID: * DURATION (mm:ss):14:38:20

FORM PTO-1595
(Rev. 8-93)

OMB No. 0651-0011 (exp. 4/04)

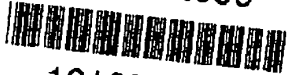


05-16-2000

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents at:



101357242

original documents or copy thereof.

1. Name of conveying party(ies): MLO
Parsec Sight/Sound, Inc. 5300

2. Name and address of receiving party(ies)
Name: SightSound.com Incorporated

Additional name(s) of conveying party(ies) attached? Yes No

Internal Address: _____

3. Nature of conveyance:

- Assignment Merger
- Security Agreement Change of Name
- Other _____

Street Address: 733 Washington Road,
Suite 400

City: Mt. Lebanon State: PA ZIP: 15228

Execution Date: _____

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

08/023,398 09/469,802
09/286,892 09/256,432

B. Patent No.(s)

5,191,573 5,966,440
5,675,734 6,014,491

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ansel M. Schwartz

Internal Address: _____

Street Address: One Sterling Plaza,
201 N. Craig Street, Suite 304

City: Pittsburgh State: PA ZIP: 15213

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41).....\$ 320.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

5/16/2000 DNGUYEN 0000005A 0A023394

FC:561

320.00 00

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ansel M. Schwartz
Name of Person Signing

Ansel Schwartz
Signature

4/28/00
Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments PATENT
Washington, D.C. 20231

Practitioner's Docket No. _____

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CHANGE OF NAME IN RECORDED ASSIGNMENTS

1. Particulars of assignments

A list of assignments recorded against patent applications and/or patents is set forth on the attached page.

2. Old name of assignee

The old name for the assignee as shown for the assignments on the attached page is:
Parsec Sight/Sound, Inc.

(type or print old name of Assignee)

3. New name of assignee

The new name of the assignee is

SightSound.com Incorporated

(type or print new name of Assignee)

4. Proof of name change

Proof of assignee's change of name is established by the attached

certificate of the Secretary of State of Pennsylvania,
showing the name change. *(type name of state)*

certificate of name change from: _____
(type or print name of authority)

(check, if applicable)

Because the certificate or the certified copy of the name change is not in the English language, it is accompanied by a verified translation signed by the translator.

5. Change of address for patent maintenance fees

(complete, if applicable)

A change of address to which correspondence is to be sent regarding patent maintenance fees for each patent listed is being sent separately.

(Change of Name in Recorded Assignments [16-12]—page 1 of 3)

PATENT

REEL: 010776 FRAME: 0704

FROM

(FRI) 1.13'06 14:24/ST. 14:09/NO. 4864940420 P 20



COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

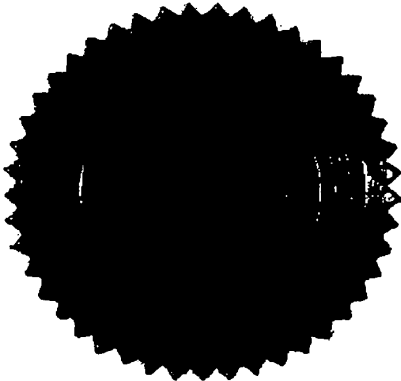
APRIL 26, 2000

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

SIGHTSOUND.COM INCORPORATED

I, Kim Pizzingrilli, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Articles of Incorporation and all Amendments which appear of record in this department

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's office to be affixed, the day and year above written.



Kim Pizzingrilli
Secretary of the Commonwealth
JSOW

PATENT

REF: 010776 EPAM: 0705

J98:198166

Microfilm Number _____ File with the Department of State
 on AUG 01 1995

Entity Number 2649623 *[Signature]*
 Secretary of the Commonwealth

ARTICLES OF INCORPORATION-FOR PROFIT
 DSCB:16-1305/2102/2303/2702/2903/7102A (Rev 90)

Indicate type of domestic corporation (check one):

- Business-stock (15 Pa.C.S. § 1304) _____ Management (15 Pa.C.S. § 2702)
- _____ Business-nonstock (15 Pa.C.S. § 2102) _____ Professional (15 Pa.C.S. § 2803)
- _____ Business-statutory close (15 Pa.C.S. § 2303) _____ Cooperative (15 Pa.C.S. § 7102A)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned, desiring to incorporate a corporation for profit hereby state(s) that:

1. The name of the corporation is: Persec Sight/Sound, Inc.
2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) 1518 Allison Drive Upper PA 15241 Allegheny
 Number and Street City State Zipcode County

(b) c/o: N/A
 Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the provisions of the Business Corporation Law of 1938.
4. The aggregate number of shares authorized is: 100,000 (other provisions, if any, attach 8 1/2 x 11 sheet)
5. The name and address, including street and number, if any, of each incorporator is:

Name	Address
<u>John E. Marshall</u>	<u>1309 Oliver Building</u>
	<u>Pittsburgh, PA 15222</u>

REC-1 95
PA Dept. of State

31.10061 02.12.95

1992 SEP 27 13

10:00 06-16 *

198:198165

6. The specified effective date, if any, is:

<u>N/A</u>			
month	day	year	hour, if any

7. Any additional provisions of the articles, if any, attach on 8 1/2 x 11 sheet.

8. Statutory close corporation only: Neither the corporation nor any shareholder shall make an offering of any of its shares of any class that would constitute a "Public Offering" within the meaning of the Securities Act of 1933 (15 U.S.C. § 77A et seq.).

9. Cooperative corporations only: (Complete and strike out inapplicable term) The common bond of membership among its members/shareholders is: N/A

IN TESTIMONY WHEREOF, the incorporator has signed these Articles of Incorporation this 13th day of August, 1996.

John E. Marshall
John E. Marshall

1521601

Microfilm Number _____

Filed with the Department of State
on APR 23 1996

Entity Number 2649623

[Signature]
Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC BUSINESS CORPORATION
DSCB:15-1915 (Rev. 90)

In compliance with the requirements of 15 Pa.C.S. § 1915 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

- 1. The name of the corporation is: PARSEC SIGHT/SOUND, INC.
- 2. The address of this corporation's current (a) registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a)	<u>1518 Allison Drive</u>	<u>Upper</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
	Number and Street	St. Clair	State	Zip	County
		City			

(b) c/n: N/A
Name of Commercial Registered Office Provider _____ County _____

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

- 3. The statute by or under which it was incorporated is: Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, as amended
- 4. The date of its incorporation is: August 1, 1995

- 5. (Check, and if appropriate complete, one of the following):
 - The amendment shall be effective upon filing these Articles of Amendment in the Department of State.
 - The amendment shall be effective on: _____ Date _____ at _____ hour _____

- 6. (Check one of the following):
 - The amendment was adopted by the shareholders pursuant to 15 Pa.C.S. §1914(n) and (b).

APR 23 1996
PA Dept. of State

162160A

The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. §1914 (c).

(Check, and if appropriate complete, one of the following):

The amendment adopted by the corporation, set forth in full, is as follows:

Paragraph 4 of the Articles of Incorporation shall be amended to read as follows:

4. The aggregate number of shares authorized is 1,000,000, each share having a par value of .10 per share.

A new Paragraph 10 shall be added to the Articles of Incorporation which shall read as follows:

10. The shareholders of the Corporation shall not be entitled to cumulate their votes for the election of directors or for any other purpose.

The amendment adopted by the corporation is set forth in full in Exhibit A, attached hereto and made a part hereof.

(Check if the amendment restates the Articles):

The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 2ND day of APRIL, 1996.

Arthur R. Hair
Arthur R. Hair

SENT BY: CT SYSTEM/PITTSBURGH : 8-25-97 : 13:24 : CT SYSTEM/PITTSBURGH- CT HARRISBURG: P 2/18

PC00281 71331 9764-1192

Microfilm Number _____
Entity Number 2649623

Filed with the Department of State
on AUG 25 1997
[Signature]
Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC BUSINESS CORPORATION
DSCB:18-1915 (Rev 90)

In compliance with the requirements of 15 Pa.C.S. § 1915 (relating to articles of amendment), the undersigned business corporation, desiring to amend its Articles, hereby states that:

1. The name of the corporation is: PARSEC SIGHT/SOUND, INC.
2. The address of this corporation's current (a) registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue in (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) <u>1516 Allison Drive</u>	<u>Upper St. Clair</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
Number and Street	City	State	Zip	County

(b) c/o: N/A
Name of Commercial Registered Office Provider _____ County _____

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 144, as amended
4. The date of its incorporation is: AUGUST 1, 1995
5. (Check, and if appropriate complete, one of the following):
 - The amendment shall be effective upon filing these Articles of Amendment in the Department of State.
 - The amendment shall be effective on: _____ Date
at _____ Hour

AUG 25 97
PA Dept. of State

SENT BY: CT SYSTEM/PITTSBURGH : 8-25-97 : 15:24 CT SYSTEM/PITTSBURGH- CT NUMBER: 0-119

6. (Check one of the following):

The amendment was adopted by the shareholders pursuant to 15 Pa.C.S. §1914(a) and (b).

The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. §1914 (c).

7. (Check, and if appropriate complete, one of the following):

The amendment adopted by the corporation, set forth in full, is as follows:

Paragraph 4 of the Articles of Incorporation shall be amended to read as follows:

4. The aggregate number of shares authorized is 100,000,000, each share having a par value of .001¢

The amendment adopted by the corporation is set forth in full in Exhibit A, attached hereto and made a part hereof.

8. (Check if the amendment restates the Articles):

The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 15th day of August 1997.

PARSEC SIGHT/SOUND, INC.

BY: Arthur R. Hair
Arthur R. Hair

TITLE: Authorized Officer

PCDCCSA 36104

9808-947

Microfilm Number _____

Filed with the Department of State
on FEB 05 1998

Entity Number 2649623

[Signature]
Secretary of the Commonwealth

STATEMENT OF CHANGE OF REGISTERED OFFICE
DSCB:15-1507/4144/5507/6144/8506 (Rev 90)

Indicate type of entity (check one):

- Domestic Business Corporation (15 Pa.C.S. § 1507)
- Foreign Business Corporation (15 Pa.C.S. § 4144)
- Domestic Nonprofit Corporation (15 Pa.C.S. § 5507)
- Foreign Nonprofit Corporation (15 Pa.C.S. § 6144)
- Domestic Limited Partnership (15 Pa.C.S. § 8506)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned corporation or limited partnership, desiring to effect a change of registered office, hereby states that:

1. The name of the corporation or limited partnership is: Parsec Sight/Sound, Inc.
2. The (a) address of this corporation's or limited partnership's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is: (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a)	<u>1518 Allison Drive</u>	<u>Upper St. Clair</u>	<u>PA</u>	<u>15241</u>	<u>Allegheny</u>
	Number and Street	City	State	Zip	County
- (b) c/o: N/A
Name of Commercial Registered Office Provider _____ County _____

For a corporation or a limited partnership represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation or limited partnership is located for venue and official publication purposes.

(Complete part (a) or (b)):

PA DEPT. OF STATE

FEB 05 1998

87-0007 98304

9/06

(a) The address to which the registered office of the corporation or limited partnership in this Commonwealth is to be changed is:

<u>733 Washington Road</u>	<u>Mt. Lebanon</u>	<u>PA</u>	<u>15228</u>	<u>Allegheny</u>
Number and Street	City	State	Zip	County

(b) The registered office of the corporation or limited partnership shall be provided by:

c/o: N/A

Name of Commercial Registered Office Provider	County
---	--------

For a corporation or a limited partnership represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation or limited partnership is located for venue and official publication purposes.

4. ~~(Strike out if a limited partnership):~~ Such change was authorized by the Board of Directors of the corporation.

IN TESTIMONY WHEREOF, the undersigned corporation or limited partnership has caused this statement to be signed by a duly authorized officer this 17th day of January, 1998.

Parsec Sight/Sound, Inc.

BY: Arthur R. Hair
 Arthur R. Hair, Chairman

SEP. 1, 1999 2:53PM MEYER LUKOVIC SCOTT NO. 171 P. 3
PCDOCS 139018

Filed with the Department of State
Microfilm Number _____ on _____
Entity Number 7649623 *Kim H. Reynolds*
ACTING Secretary of the Commonwealth JK

ARTICLES OF MERGER-DOMESTIC BUSINESS CORPORATION
DSCB:15-1926 (Rev 90)

In compliance with the requirements of 15 Pa. C.S. §1926 (relating to articles of merger or consolidation), the undersigned business corporations, desiring to effect a merger, hereby state that:

1. The name of the corporation surviving the merger is: Parsec Sight/Sound, Inc.

2. (Check and complete one of the following):

The surviving corporation is a domestic business corporation and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) 733 Washington Road Mt. Lebanon PA 15228 Allegheny
Number and Street City State ZipCode County

(b) c/o: N/A
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

N/A The surviving corporation is a qualified foreign business corporation incorporated under the laws of, and the (a) address of its current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(A) N/A
Number and Street City State Zip County

PROCES 195855

NO. 171

4. Upon said merger becoming effective, each share of common capital stock of Digital shall be converted into one share of common capital stock of the Surviving Corporation. A Certificate for the appropriate number of shares of the common capital stock of the Surviving Corporation shall be delivered by the Surviving Corporation to each shareholder of Digital on or after the Effective Date, upon such shareholder's delivery to the Surviving Corporation of the certificates representing all of such shareholder's shares of common capital stock of Digital. The shares of common capital stock of the Surviving Corporation presently outstanding shall remain outstanding.

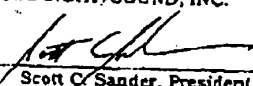
5. Each share of common capital stock of Digital outstanding prior to the Effective Date shall after the Effective Date represent only the right to receive one validly issued, fully paid and non-assessable share of common capital stock of the Surviving Corporation. As of the Effective Date, the equity interest of each shareholder of Digital as a shareholder of Digital shall be extinguished.

6. This Agreement and Plan of Merger shall be submitted to the shareholders of each of the Corporations for approval by unanimous written consent and agreement pursuant to and in accordance with §1924(a) of the Business Corporation Law of 1988.

7. At any time prior to the Effective Date, this Agreement and Plan of Merger may be terminated by the board of directors of either of the Corporations.

IN WITNESS WHEREOF, the parties hereto, with the intent to be legally bound hereby, have entered into this Agreement and Plan of Merger and have duly authorized their respective officers to execute the same in their respective corporate names, the day and year first above written.

PARSEC SIGHT/SOUND, INC.

By: 
Scott C. Sander, President

DIGITAL SIGHT/SOUND, INC.

By: 
Scott C. Sander, President

PCDDCS 1-8456

Exhibit "A"AGREEMENT AND PLAN OF MERGER

THIS AGREEMENT AND PLAN OF MERGER (this "Agreement and Plan of Merger") made this 22nd day of September, 1998, by and between PARSEC SIGHT/SOUND, INC. ("Parsec"), a Pennsylvania corporation with its registered office located at 733 Washington Road, Suite 212, Mt. Lebanon, Pennsylvania 15228, and DIGITAL SIGHT/SOUND, INC. ("Digital"), a Pennsylvania corporation with its registered office located at 733 Washington Road, Suite 212, Mt. Lebanon, Pennsylvania 15228. Parsec and Digital are also herein referred to collectively as the "Corporations".

WHEREAS, Parsec and Digital are corporations duly organized and validly existing under the laws of the Commonwealth of Pennsylvania, having both been incorporated on August 1, 1995, under and in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1144, as amended (the "Business Corporation Law of 1988"); and

WHEREAS, the Corporations desire to merge Digital into Parsec under and in accordance with the provisions of the Business Corporation Law of 1988.

NOW, THEREFORE, in consideration of the premises and of the terms and conditions hereinafter set forth, the parties hereto, with the intent to be legally bound hereby, mutually agree to merge the Corporations upon the following terms and conditions:

1. Upon compliance with the applicable provisions of the Business Corporation Law of 1988, on the Effective Date (as defined herein), Digital shall be merged with and into Parsec and thereupon the separate existence of Digital shall cease. Parsec, as it shall exist after the Effective Date, is hereinafter referred to as the "Surviving Corporation".
2. Articles of Merger shall be filed with the Department of State of the Commonwealth of Pennsylvania, and the merger shall be effective as of the date of filing of said Articles of Merger (the "Effective Date").
3. The Articles of Incorporation and By-laws of Parsec, as amended through the Effective Date, shall continue to be the Articles of Incorporation and By-laws of the Surviving Corporation and shall not be amended or otherwise affected by the merger provided for herein except as follows:
 - a. Article 1 of the Articles of Incorporation and Section 1.1 of the By-laws shall both read as follows: The name of the Corporation is, SIGHTSOUND.COM INCORPORATED.
 - b. Article 2 of the Articles of Incorporation shall read as follows: The address of this corporation's registered office in this Commonwealth and the county of venue is 733 Washington Road, Suite 400, Mt. Lebanon, Pennsylvania 15228, Allegheny.

PARSEC SIGHT/SOUND, INC. NO. 171 P.S.

Digital Sight/Sound, Inc.

Adopted by the directors and shareholders pursuant to 15 Pa.C.S. § 1924(a)

6. ~~(Strikes out this paragraph if no foreign corporation is a party to the merger. The plan was authorized, adopted or approved, as the case may be, by the foreign business corporation (or each of the foreign business corporations) party to the plan in accordance with the laws of the jurisdiction in which it is incorporated.~~

7. (Check, and if appropriate complete, one of the following):

The plan of merger is set forth in full in Exhibit A attached hereto and made a part hereof.

Pursuant to 15 Pa.C.S. §1901 (relating to omission of certain provisions from filed plans) the provisions of the plan of merger that amend or constitute the operative Articles of Incorporation of the surviving corporation as in effect subsequent to the effective date of the plan are set forth in full in Exhibit A, attached hereto and made a part hereof. The full text of the plan of merger is on file at the principal place of business of the surviving corporation, the address of which is:

N/A
Number and Street City State Zip County

IN TESTIMONY WHEREOF, each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer thereof this 21st day of March, 1999.

PARSEC SIGHT/SOUND, INC.

BY: [Signature]
Scott C. Sander, President

DIGITAL SIGHT/SOUND, INC.

BY: [Signature]
Scott C. Sander, President

PD0000- 230.8

(b) Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

N/A The surviving corporation is a nonqualified foreign business corporation incorporated under the laws of and the address of its principal office under the laws of such domiciliary jurisdiction is:

N/A
Number and Street City State Zip County

3. The name and the address of the registered office in this Commonwealth or name of its commercial registered office provider and the county of venue of each other domestic business corporation and qualified foreign business corporation which is a party to the plan of merger are as follows:

<u>Name of Corporation</u>	<u>Address of Registered Office or Name of Commercial Registered Office Provider</u>	<u>County</u>
Digital Sight/Sound, Inc.	733 Washington Road Mt. Lebanon, PA 15228	Allegheny

4. (Check, and if appropriate complete, one of the following):

The plan of merger shall be effective upon filing these Articles of Merger in the Department of State.

The plan of merger shall be effective on:

 Date at Hour

5. The manner in which the plan of merger was adopted by each domestic corporation is as follows:

<u>Name of Corporation</u>	<u>Manner of adoption</u>
Digital Sight/Sound, Inc.	Adopted by the directors and shareholders pursuant to 15 Pa.C.S. § 1924(a).

RECORDED: 05/03/2000

PJRM PTO-1895 (Rev. 8-83) OMB No. 0851-0011 (exp. 3/96)

RECORDATIC PAT 10-20-1995 U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Tab settings 0000

To the Honorable Commissioner of Patents and Trade

180079959 documents or copy thereof.

1. Name of conveying party(ies): Arthur R. Hair *Mrd 102-95*

Additional name(s) of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: Parsec Sight/Sound, Inc.

Internal Address: _____

Street Address: 1518 Allison Drive

City: Upper St. Clair State: PA ZIP: 15241

Additional name(s) & address(es) attached? Yes No

3. Nature of conveyance:

Assignment Merger

Security Agreement Change of Name

Other _____

Execution Date: September 20, 1995

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) _____ B. Patent No.(s) 5,191,573

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ansel M. Schwartz

Internal Address: _____

Street Address: 425 N. Craig Street,

Suite 301

City: Pittsburgh State: PA ZIP: 15213

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: _____

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

05U MH 10/16/95 5191573 40.00 CR

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document

Ansel M. Schwartz *Ansel Schwartz* 9/21/95

Name of Person Signing Signature Date

Total number of pages including cover sheet, attachments, and document: 4

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patents & Trademarks, Box Assignments
 Washington, D.C. 20231 PATENT

REEL: 7656 FRAME: 0701

Attorney's Docket No. HAIR

PATENT

For: U.S. and/or Foreign Rights
For: U.S. Application or
 U.S. Provisional Application
For: U.S. Patent
For: PCT Application
By: Inventor(s) or Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

(inventor(s) or person(s) or entity(ies) who own the invention)

Arthur R. Hair
(type or print name(s) of ASSIGNOR(S))
1518 Allison Drive
Address
Upper St. Clair, PA 15241

Nationality

(if assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO, add the following)

Recorded on _____ Reel _____
Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

Parsec Sight/Sound, Inc.
(type or print name(s) of ASSIGNEE(S))
1518 Allison Drive
Address
Upper St. Clair, PA 15241

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(Assignment of Invention [16-3]—page 1 of 3)

PATENT
REEL: 7656 FRAME: 0702

(complete one of the following)

- the entire right, title and interest
- an undivided _____ percent (_____%) interest for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

- and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled: METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL

Name of inventor(s) Arthur R. Bair

(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in

- (a) U.S. patent application executed on even date herewith
- (b) U.S. patent application executed on _____
- (c) U.S. provisional application naming the above inventor(s) for the above-entitled invention.
 - Express mail label no.: _____
 - Mailed: _____
- To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney to insert below the filing date and application number when they become known.
- (d) U.S. application no. _____ / _____ filed on _____
- (e) International application no. PCT/ _____ / _____
- (f) U.S. patent no. 5,191,573 issued March 2, 1993
 - A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.
 - (also check (g), if foreign application(s) is also being assigned)
- (g) and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

(Assignment of Invention [18-3]—page 2 of 3)

PATENT
REEL: 7656 FRAME: 0703



ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

20th day of Sept. 1995 (Date of signing).

WARNING: The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Date: 9/20/1995

Allen P. Hill
Signature of ASSIGNOR(s)

Date:

Date:

Date:

(if ASSIGNOR is a legal entity, complete the following information)

(Type or print the name of the above person authorized to sign on behalf of ASSIGNOR)

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized, then it will only be prima facie evidence of execution. 35 USC 261. Use next page if notarization is desired.

Notarization or Legalization Page Added.

(Assignment of Invention [16-3]—page 3 of 3)

RECORDED: 10/02/1995

PATENT
REF: 7656 FRAME: 0704

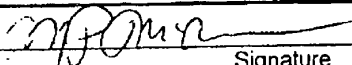
Form PTO-1595 (Rev. 08/05)
OMB No. 0651-0027 (exp. 6/30/2008)

Docket Number: GE219099

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s): SightSound Technologies, Inc. (Delaware Corp) Execution Date(s) <u>10 November 2005</u> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: <u>DMT Licensing, LLC (Delaware LLC)</u> Internal Address: _____ Street Address: <u>One Independence Way</u> City: <u>Princeton</u> State: <u>New Jersey</u> Country: <u>US</u> Zip: <u>08540</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other _____		4. Application or patent number(s): <input type="checkbox"/> This document is being filed together with a new application. A. Patent Application No. (s) <u>09/286,892</u> <u>10/820,995</u> <u>10/632,166</u> B. Patent No. (s) <u>5,191,573</u> <u>6,721,491</u> <u>5,675,734</u> <u>6,615,349</u> <u>5,966,440</u> <u>6,014,491</u> Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address to whom correspondence concerning document should be mailed: Name: <u>Matthew P. McWilliams</u> Internal Address: <u>Drinker Biddle & Reath LLP</u> Street Address: <u>One Logan Square</u> <u>18th and Cherry Streets</u> City: <u>Philadelphia</u> State: <u>Pennsylvania</u> Zip: <u>19103-6996</u> Phone Number: <u>215.988.3381</u> Fax Number: <u>215.988.2757</u> Email Address: <u>matthew.mcwilliams@dbr.com</u>		6. Total number of applications and patents involved: <u>9</u> 7. Total fee (37 CFR 1.21(h) & 3.41) \$ <u>360.00</u> <input type="checkbox"/> Authorized to be charged by credit card <input type="checkbox"/> Authorized to be charged to deposit account <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)	
9. Signature: <u></u> <u>December 26, 2005</u> Signature Date <u>Matthew P. McWilliams, Reg. No. 46,922</u> Name of Person Signing		8. Payment Information a. Credit Card Last 4 Numbers _____ Expiration Date _____ b. Deposit Account Number _____ Authorized User Name _____	
		Total number of pages including cover sheet, attachments, and documents: <u>6</u>	

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

PATENT ASSIGNMENT AGREEMENT

THIS PATENT ASSIGNMENT AGREEMENT (this "Agreement"), is made as of this ^{10th} day of November, 2005 by and between SightSound Technologies, Inc., a Delaware corporation ("Assignor"), and DMT Licensing, LLC, a Delaware limited liability company ("Assignee"). Assignor and Assignee are sometimes referred to herein as a "Party" or collectively as the "Parties."

WITNESSETH:

WHEREAS, Assignor is the owner of the entire right, title and interest in and to all of the patents and patent applications (including any and all inventions and improvements disclosed and described therein) set forth on Exhibit A hereto (the "Patents"); and

WHEREAS, Assignee desires to obtain all of Assignor's right, title and interest in, to and under the Patents.

NOW THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement and in the Asset Purchase Agreement between Assignor and Assignee, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Assignor hereby conveys, assigns, sells, transfers and delivers to Assignee, its successors and assigns, all of its right, title and interest throughout the world in, to and under the Patents, including the underlying inventions described therein and any and all United States or foreign reissues, divisions, renewals, extensions, provisionals, continuations and continuations-in-part thereof and substitutes therefor, all letters patent of the United States which have been or may be granted thereof and all foreign counterparts thereof, including any reissues or extensions of letters patent granted thereon and any and all rights corresponding to any of the foregoing throughout the world, all priority rights under the International Convention for the Protection of Industrial Property for every member country (and any other international convention or treaty), any and all accounts, contract rights, warranties, litigation claims and rights, including the right to sue for and collect upon all claims for profits and damages as a result of future or past infringement, and other general intangibles of Assignor related to any of the foregoing, in each case whether now existing or hereafter acquired or created, whether owned, leased or licensed beneficially or of record and whether owned, leased or licensed individually, jointly or otherwise, together with the products and proceeds thereof (including license royalties and the proceeds of infringement suits from the date of this Agreement forward), all payments and other distributions with respect thereto from the date of this Agreement forward, and the right to fully and entirely stand in the place of Assignor in all matters related thereto.

2. Assignor hereby conveys, assigns, transfers and delivers to Assignee, its successors and assigns, all of its right, title and interest throughout the world in and to any and all lab notes, prototypes, draft patent applications, correspondence with the United States Patent and Trademark Office or any foreign patent office, nondisclosure agreements, invention agreements and noncomplete agreements, to the extent such materials relate to the Patents.

3. Assignor hereby requests the Commissioner for Patents (the "Commissioner") to record this assignment of the Patents to Assignee. Assignor hereby further requests the

Commissioner to issue any and all letters patent of the United States resulting from applications among the Patents or derived therefrom to Assignee as assignee of the entire interest. Assignor hereby covenants that the Commissioner has full right to convey the entire interest herein assigned, and that Assignor has not executed, and will not execute, any agreements inconsistent herewith.

4. Assignor further agrees that it shall on the date hereof and from time to time thereafter, at the request of Assignee, perform or cause to be performed such acts and execute, acknowledge and deliver at the request of Assignee, such documents as may reasonably be required to evidence or effectuate the sale, conveyance, assignment, transfer and delivery to Assignee of the Patents or for the performance by Assignor of any of its obligations hereunder.

5. This Agreement will be binding upon and will inure to the benefit of the parties hereto and their successors and assigns, and no person other than Assignor, Assignee or their respective successors and assigns shall have any rights under this Agreement or the provisions contained herein.

6. An executed copy of this Agreement may be filed with the proper governmental or regulatory authority or public body by Assignee at any time.

7. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard for the conflicts of laws principles thereof, except that if it is necessary in any other jurisdiction to have the law of such other jurisdiction govern this Agreement in order for this Agreement to be effective in any respect, then the laws of such other jurisdiction shall govern this Agreement but only to such extent.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed, as of the date first above written.

ASSIGNEE

By: [Signature]
Name: Peter Moller
Title: Vice President
Date: November 10, 2005

ASSIGNOR

By: [Signature]
Name: Scott C. Sander
Title: President and Chief Executive Officer
Date: November 10, 2005

Commonwealth of Pennsylvania
County of Allegheny ss.:

On the 10th day of November, 2005, before me personally came Scott C. Sander, to me known (or satisfactorily proven), who being by me duly sworn, did depose and say that he is the President and CEO of Assignor, the corporation described in, and which executed the foregoing instrument, and that he was fully authorized to execute this Patent Assignment Agreement on behalf of said corporation.

[Signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kendra J. Jenkins, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Jan. 12, 2008
Member, Pennsylvania Association Of Notaries

P.5/15

To: Hever Unkovic

5183874360

NOV-18-2005 15:14 From: GE LICENSING

EXHIBIT A**PATENTS AND PATENT APPLICATIONS*****AV eCommerce Patents:***

	<u>Country</u>	<u>Number</u>	<u>Issued</u>
01]	United States	5,191,573	Issued
02]	United States	5,675,734	Issued
03]	United States	5,966,440	Issued
04]	United States	09/286,892	Application In Process

AV Compression Patents:

01]	United States	6,014,491	Issued
02]	Singapore	67158	Issued
03]	New Zealand	337344	Issued
04]	Australia	752057	Issued
05]	China	1252917	Issued
06]	United States	6,721,491	Issued
07]	Hong Kong	1025208	Issued
08]	Australia	6341198	Application In Process
09]	Brazil	9811455	Application In Process
10]	Canada	2279853	Application In Process
11]	China	1121124C	Application In Process
12]	European Patent Office	0965128	Application In Process
13]	Japan	2002508850T	Application In Process
14]	United States	2005038535	Application In Process
15]	World Intellectual Property Organization	9843405	Application In Process

Applied Encryption Patents:

01]	New Zealand	502871	Issued
02]	United States	6,615,349	Issued
03]	Taiwan	574641	Issued
04]	Singapore	93860	Issued
05]	Australia	776005	Issued
06]	Austria	EP2000300727	Pending
07]	Belgium	EP2000300727	Pending
08]	Cyprus	EP2000300727	Pending
09]	Denmark	EP2000300727	Pending
10]	Finland	EP2000300727	Pending
11]	France	EP2000300727	Pending
12]	Germany	EP2000300727	Pending
13]	Greece	EP2000300727	Pending
14]	Ireland	EP2000300727	Pending
15]	Italy	EP2000300727	Pending
16]	Lichtenstein	EP2000300727	Pending
17]	Luxembourg	EP2000300727	Pending
18]	Monaco	EP2000300727	Pending

A-1

19] Netherlands	EP2000300727	Pending
20] Portugal	EP2000300727	Pending
21] Sweden	EP2000300727	Pending
22] Spain	EP2000300727	Pending
23] Switzerland	EP2000300727	Pending
24] United Kingdom	EP2000300727	Pending
25] China	CN1269549	Pending
26] Hong Kong	HK1028466	Pending
27] Australia	1481000	Application In Process
28] Brazil	0000702	Application In Process
29] Canada	2299056	Application In Process
30] Japan	2000259478	Application In Process
31] United States	2004025037	Application In Process
<i>Peer-to-Peer Patents:</i>		
01] European Patent Office	1332428	Application In Process
02] Japan	JP2004513453T	Application In Process
03] World Intellectual Property Organization	239253	Application In Process

All Intellectual Property to be free of any liens or encumbrances.

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CERTIFICATE UNDER 37 C.F.R. 1.10

In Re: Arthur R. Hair

Docket No.: 219099/734

Patent No.: 5,675,734

Re-Examination Control No.: 90/007,403

Re-Examination Filing Date: January 31, 2005

Examiner: Benjamin E. Lanier

70181 U.S. PTO



01/20/06

EXPRESS MAIL: EV 299885331 US

DATE OF DEPOSIT: January 20, 2006

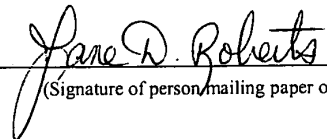
I hereby certify that the following correspondence

**Letter notifying Office of real party interest, and
Return receipt postcard**

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Ex Parte Re-Examination, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Jane D. Roberts

(Typed or printed name of person mailing paper)



(Signature of person mailing paper or fee)

Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

Customer No. 23973

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 ARTHUR R. HAIR)
)
 Reexamination Control No.: 90/007,403)
)
 Reexamination Filed: January 31, 2005)
)
 Patent Number: 5,675,734)
)
 Examiner: Benjamin E. Lanier)

70181 U.S. PTO

 01/20/06

) SYSTEM FOR TRANSMITTING
) DESIRED DIGITAL VIDEO OR
) AUDIO SIGNALS
)
)

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

Sir:

In compliance with the duty of candor and good faith to the Office, Applicant wishes to notify the Office of the recent assignment of the subject Patent No. 5,675,734, in Reexamination Control Number 90/007,403 to DMT Licensing, LLC, whose owner, and therefore the real party in interest is the General Electric Company. Further, Applicant wishes to notify the Office that DMT Licensing, LLC and the real party in interest, the General Electric Company, have also received by assignment the ownership of U.S. Patent Nos. 5,191,573 and 5,966,440, which are currently the subject of Reexamination Control Nos. 90/007,402; and 90/007,407 respectively, and Patent Application Control No. 09/286,892.

Respectfully submitted

DRINKER, BIDDLE & REATH LLP



Robert A. Koons, Jr.
 Reg. No. 32,474
 Attorney for Patentee

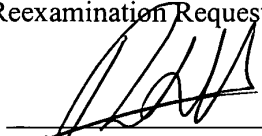
DRINKER, BIDDLE & REATH LLP
 One Logan Square
 18th and Cherry Streets
 Philadelphia, PA 19103

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via First Class United States Mail, postage prepaid, this 20th day of January, 2006, 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



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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
90/007,403	01/31/2005	5675734	NAPSP002

CONFIRMATION NO. 3002

23973
 DRINKER BIDDLE & REATH
 ATTN: INTELLECTUAL PROPERTY GROUP
 ONE LOGAN SQUARE
 18TH AND CHERRY STREETS
 PHILADELPHIA, PA 19103-6996



Date Mailed: 01/24/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Michelle R. Eason
 MICHELLE R EASON
 3921 (571) 272-4231

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
90/007,403	01/31/2005	5675734	NAPSP002

CONFIRMATION NO. 3002

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



Date Mailed: 01/24/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

MICHELLE R EASON
3921 (571) 272-4231

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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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002
23973	7590	03/17/2006	EXAMINER	
DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			LAWIER, BENJAMIN E.	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 03/17/2006				

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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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. 90/007,403

PATENT NO. 5,675,734

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. 90/007,403	Patent Under Reexamination 5675734	
	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 27 December 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. Notice of References Cited by Examiner, PTO-892. 3. Interview Summary, PTO-474.
2. Information Disclosure Statement, PTO-1449. 4. _____.

Part II SUMMARY OF ACTION

- 1a. Claims 1-34 are subject to reexamination.
1b. Claims _____ are not subject to reexamination.
2. Claims 5,20,21,26,27,29 and 30 have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 1-4, 6-19, 22-25, 28 and 31-34 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 27 December 2005 have been fully considered but they are not persuasive. Applicant's argument that obviousness-type double-patenting is not a new issue related to patentability and is therefore inappropriate is not persuasive because double patenting can provide a basis for a reexamination proceeding. *In re Lonardo*, 119 F.3d 960 (Fed. Cir. 1997); MPEP 2217, 2258. In *Lonardo*, the Federal Circuit reviewed and interpreted the language of 35 U.S.C. 303 and stated that:

Since the statute in other places refers to prior art in relation to reexamination, see *id.*, it seems apparent that Congress intended that the phrases 'patents and publications' and 'other patents or printed publications' in section 303(a) not be limited to prior art patents or printed publications. . . . Finally, it is reasonable to conclude that Congress intended to include double patenting over a prior patent as a basis for reexamination because maintenance of a patent that creates double patenting is as much of an imposition on the public as maintenance of patent that is unpatentable over prior art. Thus, we conclude that the PTO was authorized during reexamination to consider the question of double patenting based upon the '762 patent.

2. *In re Lonardo*, 119 F.3d at 966, 43 USPQ2d at 1266. Accordingly, the issue of double patenting is appropriate for consideration in reexamination, both as a basis for ordering reexamination and during subsequent examination on the merits. The issue of double patenting is to be considered by the examiner when making the decision on the request for reexamination. The examiner should determine whether the issue of double patenting raises a substantial new

question of patentability. The issue of double patenting is also to be considered during the examination stage of reexamination proceeding. In the examination stage, the examiner should determine whether a rejection based on double patenting is appropriate.

3. Applicant's arguments that the Examiner for the patent applications in question was asked to consider the possibility of double patenting rejections on the co-pending applications and therefore cannot be considered "substantial new question of patentability" is not persuasive because since the application were copending, the corresponding claims could have been at various stages of amendments. Therefore, it is impossible to determine at what state the Examiner considered the claims for a potential double patenting rejection and therefore a substantial new question of patentability exists.

4. Applicant's argument that the obviousness-type double patenting rejection over claims 1-63 of the '440 patent is improper because the rejection is unsupported by some suggestion in the prior art, or the knowledge of one having ordinary skill in the art is not persuasive because all of the limitations of current claim 1 are present in claims 1-7, 8 of the '440 patent and no suggestion in the prior art, or the knowledge of one having ordinary skill in the art is required. See *In re Goodman* (CA FC) 29 USPQ2d 2010 (12/3/1993)).

5. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); *In re Berg*, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within

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that genus).” ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

6. “Claim 12 and Claim 13 are generic to the species of invention covered by claim 3 of the patent. Thus, the generic invention is “anticipated” by the species of the patented invention. Cf., Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding that an earlier species disclosure in the prior art defeats any generic claim). This court’s predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of the generic application. *In re Van Ornum*, 686 F.2d 937, 944, 214 USPQ 761, 767 (CCPA 1982); *Schneller*, 397 F.2d at 354. Accordingly, absent a terminal disclaimer, claims 12 and 13 were properly rejected under the doctrine of obviousness-type double patenting.” (*In re Goodman* (CA FC) 29 USPQ2d 2010 (12/3/1993)).

7. Applicant’s argument that the obviousness-type double-patenting rejection over the ‘573 patent is inconsistent because claims 1-6 of the ‘573 patent are rejected under Akashi, in view of Freeny, while claims 3-4, 6-19, 22-25, 28, and 31-34 are rejected under many more references is not persuasive because the obviousness-type double-patenting analysis took into account current claim 1 (rejected under Akashi, Freeny, Gallagher, and Ohta) and claims 1, 3 from the ‘573 patent (rejected under Akashi and Freeny). Therefore, the analysis provided added prior art suggestions of Gallagher and Ohta along with a teaching of why one of ordinary skill in the art would have been motivated to combine the teachings in order to show why the instant claims and claims 1-6 from the ‘573 patent are not patentable distinct. Analysis of just claim 1 of the current claims and claims 1, 3 from the ‘573 patent was done for brevity.

8. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

9. In response to Applicant's arguments with respect to the Freeny reference, the District Court considered the Freeny reference, in the analysis on pages 52-53, with respect to anticipation and obviousness in view of only the teachings within the Freeny reference. Nowhere does the court decision discuss a combination of Akashi and Freeny, as applied in this reexamination proceeding, as being non-obvious.

10. The Examiner disagrees with Applicant's assessment of Akashi as a simple inexpensive digital audio tape recorder because Akashi clearly shows that the user device that communicates with the host computer is a personal computer (paragraph 4). The recording device that Applicant is referring to is a device/module of the personal computer; much the same as a hard drive or a CD-ROM drive is a device/module of a personal computer.

11. In response to applicant's argument that Freeny is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Akashi and Freeny both deal with music purchasing over telecommunication lines that enable users access to requested music (See Akashi page 1 and Freeny Col. 5, line 1 – Col. 6, line 23 & Col. 13, lines 27-31).

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12. Applicant argues that the proposed modification of Akashi, in view of Freeny, would change the principle operation of the Akashi is not persuasive because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The proposed modification to the automated purchasing component of Akashi, which isn't even described in the Akashi reference, would not change the principle operation of the Akashi reference. 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). 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). The subsequent transmission of data in Akashi has not been modified, and therefore, suggesting that the

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modification of the purchasing component of Akashi would change the principle operation of Akashi is simply not true.

13. Applicant's argument that the motivation for the proposed modification of the purchasing component of Akashi with the electronic sales procedure of Freeny is not persuasive because the motivation is not a conclusory statement but instead is teaching directly from the Freeny reference. See motivation below:

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).

14. This teaching in Freeny would lead one of ordinary skill in the art at the time the invention was made to perform an electronic sale using credit card information so that the seller could receive direct compensation.

15. In response to Applicant's argument that no showing of a reasonable expectation of success has been made, the incorporation of the electronic payment steps of Freeny into the automated purchasing system of Akashi allow for a seller to receive direct compensation for the data that the automated purchasing system of Akashi allows to be sold.

16. Applicant's argument that the combination of Akashi and Freeny do not suggest that transmission of audio or video information from a remote location can be triggered by providing

credit card account information is not persuasive because taking into account the above-mentioned modification of Akashi using the electronic payment steps of Freeny, the user's request for the data from the host computer of Akashi would be accompanied with the user's credit card information. At the remote cite, access to the data would be allowed once the credit card information is authorized (See Freeny Col. 13, lines 27-39). In Akashi the access provided to the user is done through telecommunication lines (i.e. data being transmitted from the host computer to the user's personal computer over telecommunication lines)(See Akashi Page 1 through line 1 of Page 2 & Page 4 paragraph 1).

17. Applicant's argument that modifying the host computer of Akashi to include a hard drive to store the data files does not take into account the purpose of the system of Akashi is not persuasive because modifying the host computer has nothing to do with the recording phase of the Akashi system. Furthermore, modifying the user personal computer with a hard drive would not be contrary to the purpose of the system of Akashi because if the user of the personal computer intended to have a portable copy of the requested data, a hard drive on the user personal computer would not hinder the recording process. Modifying the user's personal computer with a hard drive would merely give the personal computer a larger and faster storage medium (Ohta, Col. 1, lines 21-25, 38-42) for storage of the requested files before the recording device would record them.

18. Applicant arguments with respect to various elements of Freeny are not persuasive because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what

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the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

19. Applicant's arguments with respect to the hard drive of Gallagher is not persuasive because the teachings of Gallagher show it would have been obvious for the host computer of Akashi to have a hard drive. The source unit of Gallagher would be analogous to the host computer of Akashi. The teachings of Ohta show that it would have been obvious to one of ordinary skill in the art at the time the invention was made for the user's personal computer to have a hard drive for the various reasons stated in Ohta. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

20. Applicant's argument that no prior art reference has been cited to show the recording of audio or video information is not persuasive because, as stated on page 19 of the remarks, Gallagher discloses that the source unit, which stores the audio data, stores the data on a hard drive. The motivation to modify the Akashi reference was given as follows:

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26).

21. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Therefore, because the knowledge used for the conclusion of obviousness comes directly from the cited prior art, the reconstruction is proper.

22. Applicant's argument that none of the prior art references cite playing of audio information as it is sent from a central location is not persuasive because it is not a claimed limitation. Applicant claims playing the audio information once it is stored on the user computer.

23. Applicant's argument that the Eggers reference does not disclose permanent copying of video information is not persuasive because the Eggers reference is not being relied upon to show permanent copying of the audio/video information. The Eggers reference shows that it would have been obvious to modify the user's personal computer of Akashi so that the personal computer includes playback means. The playback of the video information in Eggers is not dependent on where the video information is stored, but rather that the video information is obtained by the playback means. The motivation to combine is below:

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music

data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5).

24. Applicant contends that the playback features of Eggers cannot be modified to the technology of Akashi because the system of Eggers uses immediate playback. This assessment is improper because the personal computers of Eggers have hard drives (Eggers, Col. 7, line 65), and Eggers discloses that the data transferred between the central device and the user's personal computer is stored in the hard drive of the personal computer (Col. 8, lines 1-3). Therefore, the hard drive of the personal computer is an integral part of the playback process of Eggers. Therefore, the motivation to combine has come fully from the cited prior art and not from Applicant's disclosure.

25. In response to applicant's argument that Thomas is completely silent with respect to producing copies from recorded audio or video information in the form of a tape or optical disk and playing of audio or video information from a central library in response to a request, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a transferring a replica of the desired digital video or digital audio signals from the

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second party hard disk to the playback random access memory chip for playback and playing the desired digital video or digital audio signals from the second party hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

26. In response to applicant's argument that Chace does not disclose the copying of audio or video information and has nothing at all to do with the purchase or recording of video or audio information, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Eggers discloses that the personal computer has a monitor for video output/playback (Col. 4, lines 54) but does not expressly disclose the form for the audio output/playback. Chace discloses a system for audiovisual playback using a personal computer (Col. 5, lines 64-65) wherein the audio output comprises stereo speakers (Col. 7, line 39), which meets the limitation of speakers in possession and control of the second party and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use stereo speakers as the audio output in the playback system of Eggers in order to provide a more realistic and more pleasing sound to the ear as taught in Chace (Col. 1, lines 32-33).

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27. All of the Applicant's arguments with the respect to the 103 rejections represent attacks on the references individually where the rejections are based on combinations of references and they represent allegations that various features of the secondary references cannot be bodily incorporated into the structure of the primary reference. These arguments cannot be relied upon to show nonobviousness. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

28. Therefore, the cited prior art references were considered as a whole when making the claim rejections and would have suggested to those of ordinary skill in the art the above-mentioned combinations.

29. Applicant's arguments with respect to commercial success are not persuasive because 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). The Napster name gained worldwide notoriety in the late 1990's because of their software which allowed users to illegally download music. At its height, Napster had 70 million unique users who were estimated to have traded over 3 billion files a month (See Wired News "Napster is Alive, Alive", Page 3). This would have given Napster's legitimate online music store a starting base of 70 million users who were familiar with Napster products prior to their online music store's launch. Therefore, Applicant has failed to show that the commercial success of the Napster Light software is due to the alleged use of Applicant's claimed invention instead of being a direct result of Napster's prominent name with respect to music downloading.

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30. 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 Napster Light's ("Napster") 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 Napster 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 and storage capacity, and the ability to acquire this music much faster. Therefore, Applicant cannot attribute the commercial success of Napster's 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.

Double Patenting

31. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

32. Claims 1-4, 6-19, 22-25, 28, and 31-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 5,191,573 in view of Ohta, U.S. Patent No. 4,896,237, in view of Gallagher. Current claim 1 is invalid for double patenting in view of claims 1 and 3 of the '573 patent. The only differences between current claim 1 and claims 1 and 3 of the '573 patent are hard drives at the first and second parties and electronically coding the digital data to prevent unauthorized reproduction. These features do not render the claims patentably distinct because it would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode or encrypt the recorded music data of Akashi in order to provide a possible means for eliminating borrowing or unlawful copying of the digital music data as taught in Gallagher (Col. 1, lines 51-53).

33. Claims 1-4, 6-19, 22-25, 28, and 31-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-63 of U.S. Patent No.

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5,966,440. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current claim limitations are present in the claims of the '440 patent. For instance, all of the limitations of current claim 1 are present in claims 1-7, 8 of the '440 patent (see below).

Claim 1 (original): A method for transferring desired digital video or digital audio signals comprising the steps of:

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party; (Claims 1, 7)

telephoning the first party controlling use of the first memory by the second party ;
(Claim 4)

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; (Claims 2-4)

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals; (Claim 6)

storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip; (Claim 7)

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; (Claims 5, 9)

and storing the transferred replica of the coded desired digital video or digital audio signals in the second memory. (Claims 5, 9)

34. “A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); *In re Berg*, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus).” *ELI LILLY AND COMPANY v BARR LABORATORIES, INC.*, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

35. “Claim 12 and Claim 13 are generic to the species of invention covered by claim 3 of the patent. Thus, the generic invention is “anticipated” by the species of the patented invention. Cf., *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding that an earlier species disclosure in the prior art defeats any generic claim). This court’s predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of the generic application. *In re Van Ornum*, 686 F.2d 937, 944, 214 USPQ 761, 767 (CCPA 1982); *Schneller*, 397 F.2d at 354. Accordingly, absent a terminal disclaimer, claims 12 and 13 were properly

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rejected under the doctrine of obviousness-type double patenting.” (*In re Goodman* (CA FC) 29 USPQ2d 2010 (12/3/1993)).

Claim Rejections - 35 USC § 103

36. 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.

37. 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.

38. Claims 1-2 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, in view of Gallagher, in view of Ohta, U.S. Patent No. 4,896,237. Referring to claims 1, 2, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2 & Page 3, lines 3-5). Akashi discloses that personal computer contains a CPU (Figure 1), which meets the limitation of a second party integrated circuit which controls and executes commands of the second party. 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

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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 forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, telephoning the first party controlling use of the first memory by the second party, a second party control panel connected to the second party integrated circuit, commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of transferring the stored replica of the desired digital video or digital audio signals from the memory of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 providing a credit card number of the second party controlling the second

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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).

Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of first memory having a first party hard disk having a plurality of digital video or digital audio signals. The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via

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telecommunications lines to the second memory of the second party, storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip. Akashi does not disclose that the host computer encodes the digital music data to prevent unauthorized reproduction. Gallagher discloses a system for the transfer of recorded data wherein a host computer transmits digital audio data to user units (Col. 1, lines 13-27). The host computer provides means for anti-piracy encoding or encrypting the data either generally or uniquely (Col. 1, lines 36-38), which meets the limitation of electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to encode or encrypt the recorded music data of Akashi in order to provide a possible means for eliminating borrowing or unlawful copying of the digital music data as taught in Gallagher (Col. 1, lines 51-53).

39. Claims 3, 4, 6-11 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, in view of Gallagher, in view of Ohta, U.S. Patent No. 4,896,237, as applied to claims 1, 2, above, and further in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claims 3, 4, Akashi discloses that the host computer then sends the data to the user personal computer RAM (Page 2 Section 5), which meets the limitation of the second memory of the second party control unit includes an incoming random access memory chip which temporarily stores the desired digital video or digital audio signals received from the sales random access memory chip, storing step includes the steps of storing the desired digital video or

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digital audio signals in the incoming random access memory chip. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5), which meets the limitation of causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and playing the desired digital video or digital audio signals from the second party hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space

taken up in system RAM by playback, which would allow more RAM space for resident programs.

Referring to claim 6, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2 & Page 3, lines 3-5). 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), which meets the limitation of the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk (discussed above), the first party sales random access memory (discussed above), and the second party control panel through the telecommunications lines (discussed above), and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

Referring to claim 7, 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 second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk (discussed above), the playback random access memory (discussed above), and the first party control integrated circuit through the

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telecommunications lines (discussed above), said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals, and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

Referring to claim 8, Akashi discloses that the host computer then sends the data to the user personal computer RAM (Page 2 Section 5), which meets the limitation of the second memory includes an incoming random access memory chip connected to the second party hard disk (discussed above) and the second party control integrated circuit (discussed above), and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk (discussed above).

Referring to claim 9, Akashi discloses that the personal computer contains a monitor (Page 4, Paragraph 1), which meets the limitation of a video display unit connected to the playback random access memory chip (discussed above) and to the second party integrated circuit (discussed above) for displaying the desired digital video or audio signals.

Referring to claim 10, Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

40. Claims 11, 12, 15 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, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claim 11, Akashi discloses a system for automatically selling recorded

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music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2 & Page 3, lines 3-5). Akashi discloses that personal computer contains a CPU (Figure 1), which meets the limitation of a second party integrated circuit. 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 means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of a first memory in possession and control of the first party, a second memory in possession and control of the second party, said second memory is at a location remote from said first party, an incoming random access memory in electrical communication with said second integrated circuit, means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications

lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism, means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory. 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

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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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory in electrical communication with said first control integrated circuit. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory in electrical

communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

Referring to claims 12, 15, Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

41. Claim 13 is 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, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398, as applied to claims 11, 12 and further in view of Ohta, U.S. Patent No. 4,896,237. Referring to claim 13, Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, which meets the limitation of the first memory comprises a first hard disk and the second memory comprises a second hard disk, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26).

42. Claim 14 is 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, in view

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of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398, in view of Ohta, U.S. Patent No. 4,896,237, as applied to claims 11-13 and further in view of Chace, U.S. Patent No. 4,792,974. Referring to claim 14, Akashi discloses that the personal computer of the user contains a monitor (Page 4, Paragraph 1), which meets the limitation of a monitor in electrical communication with said second control integrated circuit. Eggers discloses that the personal computer has a monitor for video output/playback (Col. 4, lines 54) but does not expressly disclose the form for the audio output/playback. Chace discloses a system for audiovisual playback using a personal computer (Col. 5, lines 64-65) wherein the audio output comprises stereo speakers (Col. 7, line 39), which meets the limitation of speakers in possession and control of the second party and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use stereo speakers as the audio output in the playback system of Eggers in order to provide a more realistic and more pleasing sound to the ear as taught in Chace (Col. 1, lines 32-33).

43. Claims 16, 17, 28, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi, "Automated Music Purchasing System", in view of Ohta, U.S. Patent No. 4,896,237, in view of Freeny, U.S. Patent No. 4,528,643, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claim 16, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2 & Page 3, lines 3-5). Akashi discloses that personal computer contains a CPU (Figure 1), which meets the limitation of a second party integrated circuit. The personal computer sends an access signal to the host computer, and the

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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). When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of a first memory at a first party location, said first memory in possession and control of the first party, a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, telecommunications lines, means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from the said first control unit, said first control unit comprises a first control panel, first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the first party and in electrical communication with the second control integrated circuit, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said

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connecting means or mechanism, means or a mechanism for storing the desired digital video or digital audio signals in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism.

Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of the first memory comprises a first hard disk in which the desired digital video or digital audio signals are stored and in electrical communication with the first control integrated circuit and the second memory comprises a second hard disk in which the desired digital video or digital audio signals are stored that are received from the first memory and in electrical communication with the second control integrated circuit. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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,

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lines 30-31), which meets the limitation of means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit and in electrical communication with said first control integrated circuit, transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, a transmitter

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connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

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Referring to claim 17, Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

Referring to claims 28, 31-34, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2 & Page 3, lines 3-5). 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), which meets the limitation of a first party control unit and a second party control unit, the first party control unit includes a first party integrated circuit which controls and executes commands of the first party and is connected to the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals, and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit, the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party, and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit. 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 a second party control unit having a second party control panel, second party control unit remote from the first party control unit, said second party control unit placed by the second party

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at a location determined by the second party, the second party control unit includes a video display unit connected to the second party integrated circuit for displaying the desired digital video or audio signals. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of a second memory connected to the second party control panel, said second party control unit place by the second party at a location determined by the second party, telecommunications lines connected to the first party control unit and the second party control unit through which the sales of the desired digital video or digital audio signals occur of the first party's memory, and over which the desired digital video or digital audio signals of the first party's memory are electronically transferred from the first party memory to the second memory while the second party is in possession and control of the second memory, an incoming random access memory connected to the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk. Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of a first party control unit having a first party hard disk having a plurality of digital

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video or digital audio signals which include desired digital video or digital audio signals and the second party control unit includes a second party hard disk that stores a plurality of digital video or audio signals, the first party hard disk connected to the first party control integrated circuit, the second party hard disk is connected to the second party control integrated circuit. Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1). Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one

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of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's disk to be transferred from the first party control unit, transferring from the sales random access memory chip to the second memory of the second party the desired digital video or digital audio signals of the first party's hard disk, the first party sales random access memory is connected to the first party control integrated circuit. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5), which meets the limitation of a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback

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workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback and is connected to the second party control integrated circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

44. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi, "Automated Music Purchasing System", in view of Ohta, U.S. Patent No. 4,896,237, in view of Freeny, U.S. Patent No. 4,528,643, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398, as applied to claims 16-17 and further in view of Chace, U.S. Patent No. 4,792,974. Referring to claim 18, Akashi discloses that the personal computer of the user contains a monitor (Page 4, Paragraph 1), which meets the limitation of a monitor in electrical communication with said second control integrated circuit. Eggers discloses that the personal computer has a monitor for video output/playback (Col. 4, lines 54) but does not expressly disclose the form for the audio output/playback. Chace discloses a system for audiovisual playback using a personal computer (Col. 5, lines 64-65) wherein the audio output comprises stereo speakers (Col. 7, line 39), which meets the limitation of speakers in possession and control of the second party and in electrical communication with said second control integrated circuit. It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to use stereo speakers as the audio output in the playback system of Eggers in order to provide a more realistic and more pleasing sound to the ear as taught in Chace (Col. 1, lines 32-33).

45. Claims 19, 22-25 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, in view of Ohta, U.S. Patent No. 4,896,237, in view of Gallagher, in view of Eggers, U.S. Patent No. 4,920,432, in view of Thomas, U.S. Patent No. 4,739,398. Referring to claims 19, 22-25, Akashi discloses a system for automatically selling recorded music via telecommunication lines using a personal computer (Page 1 through line 1 of Page 2 & Page 3, lines 3-5). Akashi does not disclose that the digital data is video data. 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). It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute video data using the system of Akashi because distributors of video data would benefit from the cost reduction that would occur when eliminating manufacturing facilities for reproducing the information in material objects and a distribution network for distributing the material objects to the various points of sale locations for sale to the consumer as taught in Freeny (Col. 1, lines 10-26). 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

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was sent (Page 4 Paragraph 1), which meets the limitation of a first party control unit in possession and control of a first party, a second party control unit possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit, a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, a video display unit. When the desired data has been found, the host computer transmits it to the personal computer where it is stored on the computer RAM (Page 4 Paragraph 1), which meets the limitation of said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the first party memory, telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the first party memory to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals the desired digital video signals are sold to the second party by the first party, the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to

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the second party control integrated circuit through telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals, and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit, second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit, the second party control unit includes an incoming random access memory chip connected to the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party.

Akashi discloses that the telecommunication lines are telephone lines (Page 4, Paragraph 1).

Gallagher discloses that the host computer storage means is a hard disk (Col. 1, lines 13-18, 32-33), which is not expressly disclosed in Akashi. Akashi also does not disclose that the personal computer stores the digital music data on a hard disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the host computer storage means of Akashi and the personal computer storage means of Akashi to be a hard drives, because of the vast speed and because general computer configurations employ disk-based storage systems such as hard disk as taught in Ohta (Col. 1, lines 21-26), which meets the limitation of first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals and is connected to the first party control integrated circuit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, the second party control unit includes a second party

hard disk which stores a plurality of digital video signals and is connected to the second party control integrated circuit that controls and executes commands of the second party. Akashi discloses automated purchasing of the digital music is conducted between the host computer and the user personal computer (Page 2 Section 4), and is further detailed on page 3, paragraph 6, through Page 4, paragraph 1. Akashi does not detail how this automated purchasing procedure is conducted between the host computer and the user personal computer. 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 means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location. 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). The source unit of Gallagher discloses having a buffer store RAM (Figures 1-2) between the transmitter and the storage means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RAM in the host computer of Akashi in order to speed up the transmission process by allowing the transmitter to

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access data in RAM as opposed to a permanent storage device which is significantly slower, which meets the limitation of a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit. Akashi does not expressly disclose playing back the stored digital audio. Eggers discloses a system for the playback of audio/video data wherein users operating a personal computer (Col. 4, lines 53-56), which contains RAM (Col. 12, lines 30-32), requests a storage device to retrieve a particular audio/video file (Col. 6, lines 8-15). The requested file is then pulled from storage and sent to the requesting personal computer for playback (Col. 6, lines 16-39 & Col. 7, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the personal computer of Akashi to retrieve the digital music data from storage upon a user request in order for the user access a large amount of digital music data without having to utilize the traditional equipment used to playback those files as taught in Eggers (Col. 14, line 67 – Col. 15, line 5). Eggers does not disclose that the personal computers used for playback contain a playback RAM. Thomas discloses an audio and video playback workstation computer that contains a processor, hard drive, monitor, audio output device, video playback memory, and audio playback memory (Col. 19, lines 36-50), which meets the limitation of a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback and is connected to the second control integrated circuit and the video display (discussed above in Akashi). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an additional RAM in the personal computers of Eggers for playback purposes in order to reduce the amount

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of space taken up in system RAM by playback, which would allow more RAM space for resident programs.

Conclusion

46. **THIS ACTION IS MADE FINAL.**

A shortened statutory period for response to this action is set to expire **two months** from the mailing date of this action.

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due, and it must be accompanied by the petition fee set forth in 37 CFR 1.17(g). The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

47. The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

48. 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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Patent No. 5,966,440 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

49. 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 BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Patentability
CONFERENCE
Kim Wu

PINCHUS M. LAUFER, PH.D., J.D. - PROCEDURAL MATTERS ONLY
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2100

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP002	U.S. Patent No. 5,675,734
	Applicant: Arthur R. Hair	Group:
	Issue Date: October 7, 1997	

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
[Signature]	A	4,499,568	2/1985	Gremillet		
	B	4,528,643	7/1985	Freeny, Jr.		
	C	4,636,876	1/1987	Schwartz		
	D	4,658,093	4/1987	Hellman		
	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
[Signature]	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
[Signature]	Q	Jordan, Larry E. and Churchill, Bruce, <i>Communications and Networking for the IBM PC</i> , Robert J. Brady Co., Bowie, MD (1983).
[Signature]	R	W. Rosch, "ComNet for the PC," <i>PC Magazine</i> , August 1983, pp. 225-228.
[Signature]	S	E. Ferrarini, "Direct Connections for Software Selections," <i>Business Computer Systems</i> , February 1984, pp. 35+ (4 pages total).
[Signature]	T	D. Waters, "Prospects for Standardization in Cable Audio," <i>Technical Papers--NCTA Annual Convention</i> , 1984, pp. 82-84.
Examiner	Date Considered	
[Signature]	2/23/86	

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.

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty Docket No: NAPSP002	U.S. Patent No. 5,675,734
	Applicant: Arthur R. Hair Issue Date: October 7, 1997	Group:

U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class
	A					
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					

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							
	M							
	N							
	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
<i>BL</i>	Q-1	J. Taylor, "The Copy-Protection Wars," <i>PC Magazine</i> , vol. 5, No. 1, January 14, 1986, pp. 165-167 (electronic version of original consisting of 14 pages being submitted).
<i>BL</i>	R-1	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).
<i>BL</i>	S-1	M. Kramer, "Network applications are adding encryption," <i>PC Week</i> , vol. 4, March 3, 1987, p. C7(1) (electronic version of original consisting of 6 pages being submitted).
	T-1	
Examiner <i>[Signature]</i>	Date Considered <i>2/23/06</i>	

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.

Litigation Search Report CRU 3999

Reexam Control No. 90/007,403

TO: Mark Reinhart
Location: CRU
Art Unit : 3992
Date: 04/15/06

From: James R. Matthews
Location: CRU 3999
RND 1C79
Phone: (571) 272-4233

Case Serial Number: 90/007,403 **JamesR.Matthews@uspto.gov**

Search Notes

U.S. Patent No- 5,675,734

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Litigation was found



Date of Printing: APR 13,2006

KEYCITE

HUS PAT 5675734 SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS
, Assignee: Parsec Sight/Sound, Inc. (Oct 07, 1997)

History
Direct History

- H** 1 METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL, US PAT 5191573, 1993 WL 1138260 (U.S. PTO Utility Mar 02, 1993) (NO. 586391)
Construed by
- H** 2 SightSound.Com Inc. v. N2K, Inc., 185 F.Supp.2d 445 (W.D.Pa. Feb 08, 2002) (NO. CIV.A.98-CV-118)
- => 3 **SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNALS**, US PAT 5675734, 1997 WL 1488819 (U.S. PTO Utility Oct 07, 1997) (NO. 607648)
Construed by
- H** 4 SightSound.Com Inc. v. N2K, Inc., 185 F.Supp.2d 445 (W.D.Pa. Feb 08, 2002) (NO. CIV.A.98-CV-118)
- H** 5 SYSTEM AND METHOD FOR TRANSMITTING DESIRED DIGITAL VIDEO OR DIGITAL AUDIO SIGNALS, US PAT 5966440, 1999 WL 1731614 (U.S. PTO Utility Oct 12, 1999) (NO. 471964)
Construed by
- H** 6 SightSound.Com Inc. v. N2K, Inc., 185 F.Supp.2d 445 (W.D.Pa. Feb 08, 2002) (NO. CIV.A.98-CV-118)
- Related References (U.S.A.)**
- H** 7 Sightsound.com Inc. v. N2K, Inc., 391 F.Supp.2d 321 (W.D.Pa. Oct 24, 2003) (NO. CIV.A. 98-CV-118)

Court Documents
Trial Court Documents (U.S.A.)

W.D.Pa. Expert Testimony

- 8 SIGHTSOUND.COM INCORPORATED, a Pennsylvania corporation, Plaintiff, v. N2K, INC., a Delaware corporation, Cdnw, Inc., a Pennsylvania corporation, and Cdnw Online, Inc., a Pennsylvania corporation, Defendants., 1998 WL 34373758 (Expert Report and Affidavit) (W.D.Pa. 1998) **Opening Expert Report of James A. Moorer** (NO. 98-0118)
- 9 SIGHTSOUND. COM INCORPORATED, A Pennsylvania corporation, Plaintiff, v. N2K, INC., a Delaware corporation CDNOW, Inc., A Pennsylvania corporation, and CDNOW Online, Inc., a Pennsylvania corporation, Defendants., 2001 WL 34891529 (Expert Deposition) (W.D.Pa. Apr. 19, 2001) **Proceedings** (NO. 98-118)

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- 10 SIGHTSOUND.COM INCORPORATED, a Pennsylvania corporation, Plaintiff, v. N2K, INC., a Delaware Corporation, CDNOW, INC., a CDNOW Online, Inc., a Pennsylvania corporation, Defendants., 2002 WL 32994569 (Expert Report and Affidavit) (W.D.Pa. Dec. 24, 2002) **Expert Report of Michael Ian Shamos, Ph.D., J.D.** (NO. 98-118)
- 11 SIGHTSOUND.COM INCORPORATED, Plaintiff, v. N2K, INC., CDNow, Inc., and CDNow Online, Inc., Defendants., 2003 WL 24288805 (Expert Report and Affidavit) (W.D.Pa. Jan. 21, 2003) **Expert Report of Justin Douglas Tygar, Ph.D.** (NO. 98-0118)
- 12 SIGHTSOUND.COM INCORPORATED, a Pennsylvania corporation, Plaintiff, v. N2K, INC., a Delaware corporation, Cdnw, Inc., a Pennsylvania corporation, and Cdnw Online, Inc., a Pennsylvania corporation, Defendants., 2003 WL 24288806 (Expert Report and Affidavit) (W.D.Pa. Feb. 19, 2003) **Rebuttal Expert Report of James A. Moorer to Opening Report of Professor Tygar** (NO. 98-0118)
- 13 SIGHTSOUND.COM INCORPORATED a Pennsylvania corporation, Plaintiff, v. N2K, INC., a Delaware Corporation, Cdnw, Inc., a Pennsylvania corporation, and Cdnw Online, Inc., a Pennsylvania corporation, Defendants., 2003 WL 24288804 (Expert Report and Affidavit) (W.D.Pa. Feb. 20, 2003) **Rebuttal Report of Michael Ian Shamos, Ph.D., J.D.** (NO. 98-118)
- 14 SIGHTSOUND.COM INCORPORATED, Plaintiff, v. N2K, INC., CDnow, Inc., and CDnow Online, Inc., Defendants., 2003 WL 24289706 (Expert Report and Affidavit) (W.D.Pa. Feb. 20, 2003) **Rebuttal Expert Report of Justin Douglas Tygar, Ph.D.** (NO. 98-0118)
- 15 SIGHTSOUND.COM, INC., a Pennsylvania corporation, Plaintiff, v. N2K, INC., a Delaware corporation, Cdnw, Inc., a Pennsylvania corporation, and Cdnw Online, Inc., a Pennsylvania corporation, Defendants., 2003 WL 24288807 (Expert Report and Affidavit) (W.D.Pa. Apr. 23, 2003) **Declaration by James A. Moorer in Support of Defendants' Motion for Summary Judgment** (NO. 98-0118)
- 16 SIGHTSOUND.COM, INC., a Pennsylvania corporation, Plaintiff and, Counterdefendants, v. N2K, INC., a Delaware corporation, CDNOW, Inc., a Pennsylvania corporation, and Cdnw Online, INC., a Pennsylvania corporation, Defendants and Counterclaimants., 2004 WL 3735168 (Expert Report and Affidavit) (W.D.Pa. Jan. 27, 2004) **Declaration of Michael Ian Shamos in Support of Defendants' Motion for Summary Judgment** (NO. 98-0118)

Assignments

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- 18 ASSIGNEE(S): SIGHTSOUND.COM INCORPORATED 733 WASHINGTON ROAD, SUITE 400 MT. LEBANON PENNSYLVANIA 15228, DATE RECORDED: May 03, 2000
- 19 , DATE RECORDED: Oct 02, 1995

Patent Status Files

- .. Request for Re-Examination, (OG date: Mar 29, 2005)

Litigation Alert

- 21 LitAlert P1998-06-59, (1999) Action Taken: A complaint was filed.

Prior Art

- Y** 22 US PAT 4567359 AUTOMATIC INFORMATION, GOODS AND SERVICES DISPENSING SYSTEM, (U.S. PTO Utility 1986)
- C** 23 US PAT 4538176 BUFFER MEMORY DISPERSION TYPE VIDEO/AUDIO TRANSMISSION SYSTEM, Assignee: Hitachi, Ltd., (U.S. PTO Utility 1985)
- H** 24 US PAT 3990710 COIN-OPERATED RECORDING MACHINE, (U.S. PTO Utility 1976)
- H** 25 US PAT 5191573 METHOD FOR TRANSMITTING A DESIRED DIGITAL VIDEO OR AUDIO SIGNAL, (U.S. PTO Utility 1993)
- C** 26 US PAT 4789863 PAY PER VIEW ENTERTAINMENT SYSTEM, (U.S. PTO Utility 1988)
- C** 27 US PAT 4521806 RECORDED PROGRAM COMMUNICATION SYSTEM, Assignee: World Video Library, Inc., (U.S. PTO Utility 1985)

- C** 28 US PAT 4654799 SOFTWARE VENDING SYSTEM, Assignee: Brother Kogyo Kabushiki Kaisha, (U.S. PTO Utility 1987)
- H** 29 US PAT 4528643 SYSTEM FOR REPRODUCING INFORMATION IN MATERIAL OBJECTS AT A POINT OF SALE LOCATION, Assignee: FPDC, Inc., (U.S. PTO Utility 1985)
- C** 30 US PAT 3718906 VENDING SYSTEM FOR REMOTELY ACCESSIBLE STORED INFORMATION, Assignee: Lightner R, (U.S. PTO Utility 1973)
- C** 31 US PAT 4647989 VIDEO CASSETTE SELECTION MACHINE, (U.S. PTO Utility 1987)

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Docket

US District Court Civil Docket

U.S. District - Pennsylvania Western
(Pittsburgh)

2:04cv1549

Sightsound Tech v. Roxio, Inc, et al

This case was retrieved from the court on Monday, April 03, 2006

Date Filed: **10/08/2004**

Assigned To: **Chief Judge Donetta W Ambrose**

Referred To:

Nature of suit: **Patent (830)**

Cause: **Patent Infringement**

Lead Docket: **None**

Other Docket: **Related, 2:98-cv-118**

Jurisdiction: **Federal Question**

Class Code:

Closed: **no**

Statute: **35:271**

Jury Demand: **Both**

Demand Amount: **\$0**

NOS Description: **Patent**

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Documents

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<input type="checkbox"/>	Availability	Date	No.	Proceeding Text <input type="text"/> <input type="button" value="Filter"/>
<input type="checkbox"/>	Runner	10/08/2004	1	COMPLAINT with summons issued; jury demand Filing Fee \$ 150.00 Receipt # 05/10/08/2004)
<input type="checkbox"/>	Runner	10/08/2004	2	DISCLOSURE statement by SIGHTSOUND TECH (tt) (Entered: 10/08/2004)
<input type="checkbox"/>	Runner	10/08/2004	--	COPY of Complaint and Docket Entries mailed to the Commissioner of Patents and (Entered: 10/08/2004)
<input type="checkbox"/>	Runner	11/08/2004	3	RETURN OF SERVICE executed as to ROXIO, INC. 11/5/04 Answer due on 11/26/04 (tt) (Entered: 11/09/2004)
<input type="checkbox"/>	Runner	11/08/2004	4	RETURN OF SERVICE executed as to NAPSTER, L.L.C. 11/5/04 Answer due on 11/26/04 (tt) (Entered: 11/09/2004)
<input type="checkbox"/>	Runner	11/24/2004	5	ANSWER to Complaint; jury demand and COUNTERCLAIM by ROXIO, INC., NAPSTER, L.L.C. William M. Wycoff, Kevin P. Allen, Charles K. Verhoeven, Michael E. Williams) against SIGHTSOUND TECH (tt) Modified on 03/11/2005 (Entered: 11/24/2004)
<input type="checkbox"/>	Runner	11/24/2004	6	DISCLOSURE statement by ROXIO, INC., NAPSTER, L.L.C. (tt) (Entered: 11/24/2004)
<input type="checkbox"/>	Runner	11/24/2004	7	NOTICE Opting Out of Arbitration by ROXIO, INC., NAPSTER, L.L.C. (tt) (Entered: 11/24/2004)
<input type="checkbox"/>	Runner	12/15/2004	8	ANSWER by SIGHTSOUND TECH to [5-2] counterclaims by NAPSTER, L.L.C., ROXIO, INC. (tt) (Entered: 12/16/2004)
<input type="checkbox"/>	Runner	12/17/2004	9	Case Management Conference set for 9:15 1/11/05 (tt) (Entered: 12/17/2004)
<input type="checkbox"/>	Runner	01/10/2005	10	INITIAL Case Scheduling Conference Statement by ROXIO, INC., NAPSTER, L.L.C. (tt) (Entered: 01/10/2005)
<input type="checkbox"/>	Runner	01/10/2005	11	MOTION by SIGHTSOUND TECH for Preliminary Injunction , with Proposed Order. (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/10/2005	12	EXHIBITS by SIGHTSOUND TECH to [11-1] motion for Preliminary Injunction (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/10/2005	13	BRIEF by SIGHTSOUND TECH in support of [11-1] motion for Preliminary Injunction (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/10/2005	14	DECLARATION of Justin Douglas Tygar, Ph.D. concerning the Operation of Roxio/NAPSTER motion for Preliminary Injunction by SIGHTSOUND TECH (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	15	MOTION by ROXIO, INC., NAPSTER, L.L.C. to Substitute Attorney , with Proposed Order. (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	16	MOTION by ROXIO, INC., NAPSTER, L.L.C. for Charles K. Verhoeven to Appear Pro Hac Vice \$ 40.00 Receipt # 05001581 , with Proposed Order. (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	17	MOTION by ROXIO, INC., NAPSTER, L.L.C. for Tigran Guledjian to Appear Pro Hac Vice \$ 40.00 Receipt # 05001581 , with Proposed Order. (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	18	MOTION by ROXIO, INC., NAPSTER, L.L.C. for Michael E. Williams to Appear Pro Hac Vice \$ 40.00 Receipt # 05001581 , with Proposed Order. (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	19	Status Conference held 1/11/05 before Chief Judge Donetta W. Ambrose [Reported] (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	--	Deadline updated; Response to Motion set to 2/11/05 for [11-1] motion for Preliminary Injunction; Reply to Motion set to 2/21/05 for [11-1] motion for Preliminary Injunction; Hearing set for 1:30 3/3/05 for [11-1] motion for Preliminary Injunction (tt) (Entered: 01/11/2005)
<input type="checkbox"/>	Runner	01/11/2005	20	RESPONSE by SIGHTSOUND TECH to depts' [10-1] Initial Case Scheduling Conference (Entered: 01/11/2005)
				ORDER upon motion granting [15-1] motion to Substitute Attorney ; terminated at Wycoff for ROXIO, INC., attorney Kevin P. Allen for ROXIO, INC., attorney William

<input type="checkbox"/>	Runner	01/11/2005	--	NAPSTER, L.L.C., attorney Kevin P. Allen for NAPSTER, L.L.C. and added Laurence Kathryn M. Kenyon for defts. (signed by Chief Judge Donetta W. Ambrose on 1/11/05) CM all parties of record. (tt) (Entered: 01/12/2005)
<input type="checkbox"/>	Runner	01/11/2005	--	ORDER upon motion granting [16-1] motion for Charles K. Verhoeven to Appear Pro Hac Vice for defts. (signed by Chief Judge Donetta W. Ambrose on 1/11/05) CM all parties of record. (tt) (Entered: 01/12/2005)
<input type="checkbox"/>	Runner	01/11/2005	--	ORDER upon motion granting [17-1] motion for Tigran Guledjian to Appear Pro Hac Vice for defts. (signed by Chief Judge Donetta W. Ambrose on 1/11/05) CM all parties of record. (tt) (Entered: 01/12/2005)
<input type="checkbox"/>	Runner	01/11/2005	--	ORDER upon motion granting [18-1] motion for Michael E. Williams to Appear Pro Hac Vice for defts. (signed by Chief Judge Donetta W. Ambrose on 1/11/05) CM all parties of record. (tt) (Entered: 01/12/2005)
<input type="checkbox"/>	Runner	01/18/2005	21	Status Conference via phone held 1/18/05 before Chief Judge Donetta W. Ambrose. Deft wants leave to amend counterclaims related to press release. Pltf doesn't object to leave to amend. Leave granted orally by the Court; Amended counterclaim due 1/26/05. Motion to Stay Case pending outcome of application to Patent & Trademark Office, 10 days. (tt) (Entered: 01/19/2005)
<input type="checkbox"/>	Runner	01/21/2005	22	MOTION by ROXIO, INC., NAPSTER, L.L.C. to Stay Pending Reexamination of Patents Proposed Order. (jsp) (Entered: 01/24/2005)
<input type="checkbox"/>	Runner	01/21/2005	23	BRIEF by ROXIO, INC., NAPSTER, L.L.C. in support of [22-1] motion to Stay Pending Reexamination of Patents in Suit by NAPSTER, L.L.C., ROXIO, INC. (jsp) (Entered: 01/24/2005)
<input type="checkbox"/>	Runner	01/25/2005	24	FIRST AMENDED ANSWER to Complaint by ROXIO, INC., NAPSTER, L.L.C. amends ANSWER to Complaint by ROXIO, INC., NAPSTER, L.L.C. and COUNTERCLAIMS against SIGHTSOUND TECH (tt) (Entered: 01/26/2005)
<input type="checkbox"/>	Runner	01/27/2005	25	MOTION by SIGHTSOUND TECH to Extend Time w/in which to respond to defts' motion to stay pending receipt of defts' request for re-examination of patents and prior art which defts intend to submit to Patent and Trademark Office, with Proposed Order. (tt) (Entered: 01/28/2005)
<input type="checkbox"/>	Runner	01/28/2005	26	RESPONSE by ROXIO, INC., NAPSTER, L.L.C. to pltf's [25-1] motion to Extend Time w/in which to respond to defts' motion to stay (tt) (Entered: 01/28/2005)
<input type="checkbox"/>	Runner	01/28/2005	27	ACCEPTANCE OF SERVICE of First Amended Answer and Counterclaim as to Scott: [25-1] (tt) (Entered: 01/28/2005)
<input type="checkbox"/>	Runner	01/28/2005	28	BRIEF by SIGHTSOUND TECH in support of [25-1] motion to Extend Time w/in which to respond to defts' motion to stay (tt) (Entered: 01/31/2005)
<input type="checkbox"/>	Runner	02/02/2005	29	Status Conference via phone held 1/31/05 before Chief Judge Donetta W. Ambrose. Pltf's response to motion to stay due 2/11/05 ; Defts' reply due 2/16/05 ; Preliminary injunction will be scheduled via order on motion to stay ; Defts do not have to file answer to motion to stay by March. (tt) (Entered: 02/02/2005)
<input type="checkbox"/>	Runner	02/02/2005	--	ORDER upon motion granting [25-1] motion to Extend Time w/in which to respond to defts' motion to stay pending receipt of defts' request for re-examination of patents and prior art which defts intend to submit to the Patent and Trademark Office. Defts shall serve on counsel for pltf by 2/11/05 any request for re-examination of the patents in suit which defts intend to submit to the PTO, including all prior art on which defts plan to rely in such request for re-examination. Response to Motion set to 2/11/05 for defts' [22-1] motion to Stay Pending Reexamination of Patents in Suit ; Defts' Reply Brief due 2/16/05 ; Defts are not required to file an answer to pltf's preliminary injunction until further order of court. (signed by Chief Judge Donetta W. Ambrose on 1/31/05) CM all parties of record. (tt) (Entered: 02/02/2005)
<input type="checkbox"/>	Runner	02/03/2005	30	MOTION by SIGHTSOUND TECH for Brian S. Mudge to Appear Pro Hac Vice ; Filing # 05001943, with Proposed Order. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/03/2005	31	MOTION by SIGHTSOUND TECH for William K. Wells to Appear Pro Hac Vice ; Filing # 05001943, with Proposed Order. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/03/2005	32	MOTION by SIGHTSOUND TECH for Duncan L. Williams to Appear Pro Hac Vice ; Filing # 05001943, with Proposed Order. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/03/2005	33	MOTION by SIGHTSOUND TECH for Clyde E. Findley to Appear Pro Hac Vice ; Filing # 05001943, with Proposed Order. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/04/2005	34	NOTICE of Lodging of Pending Requests for Reexamination by ROXIO, INC., NAPSTER, L.L.C. (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/04/2005	35	EXHIBITS (VOLUME I) by ROXIO, INC., NAPSTER, L.L.C. to [34-1] notice of lodging of requests for reexamination. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/04/2005	36	EXHIBITS (VOLUME II) by ROXIO, INC., NAPSTER, L.L.C. to [34-1] notice of lodging of requests for reexamination. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/04/2005	37	EXHIBITS (VOLUME III) by ROXIO, INC., NAPSTER, L.L.C. to [34-1] notice of lodging of requests for reexamination. (tt) (Entered: 02/04/2005)
<input type="checkbox"/>	Runner	02/07/2005	--	ORDER upon motion granting [30-1] motion for Brian S. Mudge to Appear Pro Hac Vice (signed by Chief Judge Donetta W. Ambrose on 2/4/05) CM all parties of record. (tt) (Entered: 02/07/2005)
<input type="checkbox"/>	Runner	02/07/2005	--	ORDER upon motion granting [31-1] motion for William K. Wells to Appear Pro Hac Vice (signed by Chief Judge Donetta W. Ambrose on 2/4/05) CM all parties of record. (tt) (Entered: 02/07/2005)

			02/07/2005)
<input type="checkbox"/>	Runner	02/07/2005	-- ORDER upon motion granting [32-1] motion for Duncan L. Williams to Appear Pro pltf. (signed by Chief Judge Donetta W. Ambrose on 2/4/05) CM all parties of rec 02/07/2005)
<input type="checkbox"/>	Runner	02/07/2005	-- ORDER upon motion granting [33-1] motion for Clyde E. Findley to Appear Pro Ha pltf. (signed by Chief Judge Donetta W. Ambrose on 2/4/05) CM all parties of rec 02/07/2005)
<input type="checkbox"/>	Runner	02/11/2005	38 REPLY by SIGHTSOUND TECH to [24-2] First Amended Counterclaims by NAPSTER (tt) (Entered: 02/14/2005)
<input type="checkbox"/>	Runner	02/11/2005	39 BRIEF by SIGHTSOUND TECH in opposition to Napster's [22-1] motion to Stay Pen of Patents in Suit (tt) (Entered: 02/14/2005)
<input type="checkbox"/>	Runner	02/11/2005	40 MOTION by SIGHTSOUND TECH, SCOTT SANDER to Dismiss defts' Amended Couni (Entered: 02/14/2005)
<input type="checkbox"/>	Runner	02/11/2005	41 BRIEF by SIGHTSOUND TECH, SCOTT SANDER in support of their [40-1] motion to Amended Counterclaims 4-9 (tt) (Entered: 02/14/2005)
<input type="checkbox"/>	Runner	02/16/2005	42 REPLY by ROXIO, INC., NAPSTER, L.L.C. in support of their Motion to Stay pending the Patents-In-Suit (tt) (Entered: 02/17/2005)
<input type="checkbox"/>	Runner	02/16/2005	43 DECLARATION of William E. Growney (tt) Modified on 02/18/2005 (Entered: 02/17/2005)
<input type="checkbox"/>	Runner	02/16/2005	44 MOTION by ROXIO, INC., NAPSTER, L.L.C. to Seal [43-1] Declaration , with Propos (Entered: 02/17/2005)
<input type="checkbox"/>	Runner	02/17/2005	45 OPPOSITION by SIGHTSOUND TECH to defts' [44-1] motion to Seal [43-1] Declara (Entered: 02/18/2005)
<input type="checkbox"/>	Runner	02/17/2005	46 NOTICE OF FILING: Supplemental Declaration of Christopher Reese by SIGHTSOUNI UNDER SEAL) (tt) Modified on 02/28/2005 (Entered: 02/18/2005)
<input type="checkbox"/>	Runner	02/17/2005	47 REQUEST by SIGHTSOUND TECH for Oral Argument on Motion to Stay . (tt) (Enter
<input type="checkbox"/>	Runner	02/18/2005	-- ORDER upon motion denying [44-1] motion to Seal [43-1] Declaration. The declar. vague, unsuccessful attempts & no dollar values are set forth. I see no risk of conf being disclosed. (signed by Chief Judge Donetta W. Ambrose on 2/18/05) CM all (Entered: 02/18/2005)
<input type="checkbox"/>	Runner	02/18/2005	-- ORDER upon motion denying [47-1] motion for Oral Argument on Motion to Stay. clearly represented their respective positions in the briefs and declarations filed. (Donetta W. Ambrose on 2/18/05) CM all parties of record. (tt) (Entered: 02/18/2005)
<input type="checkbox"/>	Runner	02/23/2005	48 MOTION by ROXIO, INC., NAPSTER, L.L.C. to Seal Supplemental Declaration of Ch Proposed Order. (tt) (Entered: 02/23/2005)
<input type="checkbox"/>	Runner	02/23/2005	49 OPPOSITION by SIGHTSOUND TECH to defts' [48-1] motion to Seal Supplemental Christopher Reese (tt) (Entered: 02/24/2005)
<input type="checkbox"/>	Runner	02/28/2005	-- ORDER upon motion granting [48-1] motion to Seal Supplemental Declaration of C The Supplemental Declaration of Christopher Reese filed 2/17/05 shall be placed u Chief Judge Donetta W. Ambrose on 2/28/05) CM all parties of record. (tt) (Enter
<input type="checkbox"/>	Runner	02/28/2005	50 MEMORANDUM OPINION & ORDER granting defts' [22-1] motion to Stay. The defts: Court immediately upon receiving any notification from the PTO regarding the outc for Reexamination. The preliminary injunction hearing scheduled for 3/3/05 is can motion for Preliminary Injunction is denied without prejudice to reassert once the : by Chief Judge Donetta W. Ambrose on 2/28/05) CM all parties of record. (tt) (En
<input type="checkbox"/>	Runner	03/03/2005	51 NOTICE OF APPEAL by SIGHTSOUND TECH from [50-1] memorandum opinion date FEE \$ 255 RECEIPT # 2394 TPO issued. (lck) (Entered: 03/07/2005)
<input type="checkbox"/>	Runner	03/03/2005	-- Certified copy of Notice of Appeal [51-1] appeal by SIGHTSOUND TECH , certified & certified copy of order dated 2/28/05 mailed to USCA; copy of Notice of Appeal an ROXIO, INC., NAPSTER, L.L.C. and judge. Copy of information sheet to appellant. (03/07/2005)
<input type="checkbox"/>	Runner	03/11/2005	52 Transcript Purchase order re: [51-1] appeal by SIGHTSOUND TECH indicating that ordered. (tt) (Entered: 03/11/2005)
<input type="checkbox"/>	Runner	03/21/2005	-- Text not available. (Entered: 03/21/2005)
<input type="checkbox"/>	Runner	04/04/2005	53 NOTICE of PTO's Order granting ex parte Reexamination by ROXIO, INC., NAPSTER (Entered: 04/04/2005)
<input type="checkbox"/>	Online	07/21/2005	54 MOTION for Relief from Stay with Respect to Defamation Counterclaims by SIGHTS TECHNOLOGIES, INC., SCOTT SANDER. (Attachments: # 1 Proposed Order)(jsp) (07/21/2005)
<input type="checkbox"/>	Online	07/21/2005	55 BRIEF in Support re 54 MOTION for Relief from Stay with Respect to Defamation C SIGHTSOUND TECHNOLOGIES, INC., SCOTT SANDER. (Attachments: # 1 Part 2 of 07/21/2005)
<input type="checkbox"/>	Online	07/22/2005	56 NOTICE: re 54 MOTION for Relief from Stay with Respect to Defamation Countercl. on or before 8/4/05. (jrh) (Entered: 07/22/2005)
<input type="checkbox"/>	Online	08/04/2005	57 NOTICE by ROXIO, INC., NAPSTER, L.L.C. of PTO's Issuance of Office Actions in Ex

				(Attachments: # 1 # 2 # 3)(Helmsen, Joseph) (Entered: 08/04/2005)
<input type="checkbox"/>	Online	08/04/2005	58	MOTION for attorney Michael T. Zeller to Appear Pro Hac Vice by ROXIO, INC., NAI (Attachments: # 1 Proposed Order)(Kenyon, Kathryn) (Entered: 08/04/2005)
<input type="checkbox"/>	Online	08/04/2005	59	NOTICE by ROXIO, INC., NAPSTER, L.L.C. re 57 Notice (Other) Letter Notice of Pri (Kenyon, Kathryn) (Entered: 08/04/2005)
<input type="checkbox"/>	Online	08/04/2005	60	BRIEF in Opposition re 54 MOTION for Relief from Stay with Respect to Defamator by ROXIO, INC., NAPSTER, L.L.C.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Ex 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H)(Kenyon, Kathryn) (Entered: 08/04/2005)
<input type="checkbox"/>	Runner	08/04/2005	--	Pro Hac Vice Fees received in the amount of \$ 40 receipt # 4877 re 58 Motion to A (ept) (Entered: 08/05/2005)
<input type="checkbox"/>	Online	08/08/2005	61	ORDER granting 58 Motion to Appear Pro Hac Vice . Signed by Judge Donetta W. A (jlh) (Entered: 08/08/2005)
<input type="checkbox"/>	Online	09/01/2005	62	ORDER denying 54 Motion for Relief from Stay . Signed by Judge Donetta W. Amb (jlh) (Entered: 09/01/2005)
<input type="checkbox"/>	Online	09/06/2005	63	NOTICE by SIGHTSOUND TECHNOLOGIES, INC., SCOTT SANDER NOTICE OF FILIN RECORD (Kerr, Benjamin) (Entered: 09/06/2005)
<input type="checkbox"/>	Online	09/07/2005	64	Minute Entry for proceedings held before Judge Donetta W. Ambrose : Status Conf 9/7/2005. Parties to keep Court informed of PTO Action. (jlh) (Entered: 09/07/2005)
<input type="checkbox"/>	Online	11/02/2005	65	NOTICE by ROXIO, INC., NAPSTER, L.L.C. of PTO's Issuance of Second Office Actio Reexamination (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Kenyon, Ka (Entered: 11/02/2005)
<input type="checkbox"/>	Online	11/14/2005	66	MANDATE of USCA for the Federal Circuit as to [51] Notice of Appeal filed by SIGH TECHNOLOGIES, INC., that the appeal is dismissed, with each party to bear its ow (Entered: 11/15/2005)
<input type="checkbox"/>	Online	03/02/2006	67	MOTION by Clyde E. Findley to Withdraw as Attorney by SIGHTSOUND TECHNOLO (Entered: 03/02/2006)

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Terms: **patno=5675734** ([Edit Search](#) | [Suggest Terms for My Search](#))

607648 (08) 5675734 October 7, 1997

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5675734

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October 7, 1997

System for transmitting desired digital video or audio signals

REEXAM-LITIGATE: January 31, 2005 - Reexamination requested by Napster, Inc.; c/o Albert S. Penilla, Martine, Penilla & Gencarella, LLP, Reexamination No. 90/007,403 (O.G. March 29, 2005) Ex. Gp: 3625

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. - Pittsburgh, Pennsylvania, United States (US)

APPL-NO: 607648 (08)

FILED-DATE: February 27, 1996

GRANTED-DATE: October 7, 1997

ASSIGNEE-AT-ISSUE: Parsec Sight/Sound, Inc., Upper St. Clair, Pennsylvania, United States (US), 02

ASSIGNEE-AFTER-ISSUE: 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

LEGAL-REP: Schwartz, Ansel M.

PUB-TYPE: October 7, 1997 - Utility Patent having no previously published pre-grant publication (A)

PUB-COUNTRY: United States (US)

REL-DATA:

Continuation of Ser. No. 08/023398, February 26, 1993, ABANDONED
Continuation of Ser. No. 07/586391, September 18, 1990, GRANTED 5191573, March 2, 1993
Continuation of Ser. No. 07/206497, June 13, 1988, ABANDONED

US-MAIN-CL: 705#26

US-ADDL-CL: 379#93.12, 380#43, 705#52, 709#219

CL: 705, 379, 380, 705, 709

SEARCH-FLD: 395#200.1, 235#381, 235#380, 235#375, 364#479.04, 364#410, 369#33, 369#34, 369#84, 369#85, 380#4, 380#43, 379#77, 360#55

IPC-MAIN-CL: 6H 01J013#0

IPC-ADDL-CL: H 04L009#0

PRIM-EXMR: Nguyen, Hoa T.

REF-CITED:

03718906, February, 1973, Lightner, United States (US), 235381
03990710, November, 1976, Hughes, United States (US), 235381
04521806, June, 1985, Abraham, United States (US), 358086
04528643, July, 1985, Freeny, Jr., United States (US), 380004
04538176, August, 1985, Nakajima et al., United States (US), 358086
04567359, January, 1986, Lockwood, United States (US), 235381
04647989, March, 1987, Geddes, United States (US), 360055
04654799, March, 1987, Ogaki et al., United States (US), 364479
04789863, December, 1988, Bush, United States (US), 34082535
05191573, March, 1993, Hair, United States (US), 369084

CORE TERMS: digital, video, user, memory, electronically, song, receiver, music, hard disk, telecommunications ...

ENGLISH-ABST:

A method for transferring desired digital video or digital audio signals. The method comprises the steps of 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 has the desired digital video or digital audio signals. Then, there is the step of selling electronically by the first party to the second party through telecommunications lines, the desired digital video or digital audio signals in the first memory. Then, there is the step of transferring the desired digital video or digital audio signals from the first memory of the first party to the second memory of the second party through the telecommunications lines while the second memory is in possession and control of the second party. Additionally, there is a system for transferring digital video or digital audio signals.

NO-OF-CLAIMS: 34

EXMPL-CLAIM: 1

NO-DRWNG-PP: 2

SUMMARY:

FIELD OF THE INVENTION

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

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.

Thus, as is apparent from the above discussion, the inflexible form in which the songs are purchased by an end user, and the distribution channels of the songs, requires the end user to go to a location to purchase the songs, and not necessarily be able to purchase only the songs desired to be heard, in a sequence the end user would like to hear them.

This is not limited to just songs, but also includes, for example, videos.

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 or digital video.

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

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 or digital video 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 or digital video.

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 system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to preferably a second memory of a second party. The system comprises means or mechanism for electronically selling the desired digital video or digital audio signals preferably via telecommunications lines to the first party from the second party. Moreover, the system preferably comprises means or mechanism for connecting electronically via telecommunications lines the first memory preferably with the second memory such that the desired digital video or digital audio signals can pass therebetween. Additionally, the system comprises means or mechanism for transmitting the desired digital video or digital audio signals from the first memory with a transmitter in control and in possession of the first party to a receiver preferably having the second memory while the receiver is in possession and in control of the second

party. The receiver is placed at a second party location determined by the second party. Preferably, there is also means or mechanism for storing the digital video or digital audio 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.

DRWDESC:

BRIEF DESCRIPTION OF THE 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.

DETDESC:

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawings wherein like reference numerals refer to similar or identical parts throughout the several views, and more specifically to figure thereof, there is shown

Referring now to the FIG. 1, this invention preferably 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 first party or 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 or second party's Control Unit 50 is possible. The user's Control Unit is 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 has 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, only requires 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 desired digital video or digital audio signals stored on a first memory of a first party preferably to a second memory of a second party. The method comprises the steps of transferring money via telecommunications lines to the first party from the second party or electronically selling to the second party by the first party. Additionally, the method comprises the step of then connecting electronically via telecommunications lines the first memory preferably with the second memory such that the desired digital video or digital audio signals can pass therebetween. Next, there is the step of transmitting the desired digital video or digital audio signals from the first memory with a transmitter in control and in possession of the first party to a receiver preferably having the second memory while the receiver is in possession and in control of the second party. The receiver is placed by the second party at a second party location determined by the second party. Preferably is also the step of then storing the desired digital video or digital audio signals in the second memory.

In summary, there has been disclosed a new and improved methodology/system by which Digital Audio Music or digital video can be electronically sold, distributed, transferred, and stored. Further, there has been disclosed a new and improved methodology/system by which Digital Audio Music or digital video 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.

For instance, the present invention is a system 100 for transferring digital video signals from a first party to a second party. The system 100 comprises a first party control unit 20 having a first memory having a plurality of desired individual video selections as desired digital video signals. The first party control unit 20 also has means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals. The system 100 also comprises a second party control unit 50 having a second party control panel 50a, a receiver and a video display for playing the desired digital video or digital audio signals received by the receiver. The second party control panel 50a is connected to the video display and the receiver. The receiver and the video display is operatively controlled by the second party control panel 50a. The second party control unit 50 is remote from the first party control unit 20. The second party control unit 50 is placed by the second party at a second party location determined by the second party which is remote from the first party control unit 20. The second party chooses the desired digital video signals from the first memory with the second party control panel 20a. The system 100 is also comprised of telecommunications lines connected to the first party control unit 20 and the second party control unit 50 through which the desired digital video signals are electronically transferred from the first memory to the receiver while the second party control unit 50 is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.

Preferably, the second party control unit 50 includes a second memory which is connected to the receiver and the video display. The second memory stores the digital video signals that are received by the receiver for providing them to the video display. The second party control unit 50 preferably includes a second party hard disk 60 which stores a plurality of digital video signals, and a playback random access memory chip 50d electronically connected to the second party hard disk 60 for storing a replica of the desired digital video signals as a temporary staging area for playback. The second party control unit 50 includes a second party control integrated circuit 50b which controls and executes commands of the second party and is connected to the second party hard disk 60, the playback random access memory 50d, and the first party control integrated circuit 20b through the telecommunications lines. The second party control integrated circuit 50b preferably includes the receiver. Additionally, the second party control unit 50 includes a second party control panel 20a through which the second party control integrated circuit 20b is programmed and is sent commands and which is connected to the second party integrated circuit 50b. Preferably, the second party control unit 50 includes an incoming random access memory chip 50c connected to the second party hard disk 60 and the second party control integrated circuit 50b, and the first party control unit 20 through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit 20 for subsequent storage to the second party hard disk 60. Preferably, the video display includes a video display unit connected to the playback random access memory chip 50c and to the second party integrated circuit 50b for displaying the desired digital video signals.

The first party control unit 20 preferably includes a first party hard disk 10 having a plurality of digital video signals which include the desired digital video signals, and a sales random access memory chip 20c electronically connected to the first party hard disk 10 for storing a replica of the desired digital video signals of the first party's hard disk 10. The first party control unit 20 preferably includes a first party control integrated circuit 20b which controls and executes commands of the first party and is connected to the first party hard disk 10, the first party sales random access memory 20c, and the second party control integrated circuit 20b through the telecommunications lines. The first party control integrated circuit 20b and the second party control integrated circuit 50b regulate the transfer of the desired digital video signals. The first party control unit 20 preferably also includes a first party control panel 20a through which the first party control integrated circuit 20b is programmed and is sent commands and which is connected to the first party control integrated circuit 20b.

The means or mechanism for charging a fee includes means or a mechanism for charging a fee via telecommunications lines by the first party to the second party at a location remote from the second party location. Preferably, the second party has an account and the means or mechanism for charging a fee includes means or a mechanism for charging the account of the second party. Preferably, the means or mechanism for charging the account includes means or a mechanism for charging a credit card number of the second party. Preferably, the means or mechanism for electronically selling includes means or a mechanism for electronically selling includes means or a mechanism for charging a fee via telecommunications lines by the first party to the second party at a first party location remote from the second party location. Preferably, the second party has an account and the means or mechanism for charging a fee includes means or a mechanism for charging the account of the second party. Preferably, the means or mechanism for charging the account includes means or a mechanism for receiving a credit card number of the second party. The means or mechanism for receiving a credit card number preferably is part of the control integrated circuit 20b. The telecommunications lines are preferably telephone lines 30.

The present invention also pertains to a method for transmitting desired digital video signals stored in a first memory having a plurality of individual video selections as digital video signals of a first party at a first party location to a second party at a second party location so the second party can view the desired digital video signals. The method comprises the steps of placing by the second party a receiver, and a video display

connected to the receiver at the second party location determined by the second party which is remote from the first party location. Next, there is the step of charging a fee by the first party to the second party at a location remote from the second party location so the second party can obtain access to the desired digital video signals. Then, there is the step of connecting electronically via telecommunications lines the first memory with a receiver of the second party while the receiver is in possession and control of the second party. Next, there is the step of choosing the desired digital video signals by the second party from the first memory of the first party so desired digital video selections are selected. Next, there is the step of transmitting the desired digital video signals from the first memory with a transmitter in control and possession of the first party to the receiver of the second party while the receiver is in possession and control of the second party at the second party location determined by the second party. Next, there is the step of displaying the desired video signals received by the receiver on a video display in possession and control of the second party. The video display is connected with the receiver.

Preferably, the step of charging a fee includes the step of charging a fee via telecommunications lines by the first party to the second party so the second party can obtain access to the desired digital video signals stored on the first memory. Preferably, the second party has an account and the step of charging a fee includes the step of charging the account of the second party. Preferably, the step of charging the account of the second party includes the steps of telephoning the first party controlling use of the first memory by the second party. Then, there is 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. Preferably, the means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically via telecommunications lines to the first party at a location remote from the second memory at the second party location.

Although the invention has been described in detail in the foregoing embodiments for the purpose of illustration, it is to be understood that such detail is solely for that purpose and that variations can be made therein by those skilled in the art without departing from the spirit and scope of the invention except as it may be described by the following claims.

ENGLISH-CLAIMS:

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What is claimed is:

1. A method for transferring desired digital video or digital audio signals comprising the steps of:

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;

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;

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent

unauthorized reproduction of the desired digital video or digital audio signals;

storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip;

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and

storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.

2. A method as described in claim 1 wherein there is a second party integrated circuit which controls and executes commands of the second party, and a second party control panel connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk.

3. A method as described in claim 2 wherein the second memory includes an incoming random access memory chip which temporarily stores the coded desired digital video or digital audio signals from the sales random access memory chip, a second party hard disk for storing the coded desired digital video or audio digital signals from the incoming random access memory chip, and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the first party hard disk for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.

4. A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and

after the desired digital video or digital audio signals are sold to the second party by the first party.

5. A system as described in claim 4 wherein the second memory includes a second party hard disk which stores the desired digital video or digital audio signals transferred from the sales random access memory chip, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback.

6. A system as described in claim 5 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

7. A system as described in claim 6 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

8. A system as described in claim 7 wherein the second memory includes an incoming random access memory chip connected to the second party hard disk and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

9. A system as described in claim 8 wherein the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

10. A system as described in claim 4 wherein the telecommunications lines include telephone lines.

11. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:

a first memory in possession and control of the first party;

a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;

telecommunications lines;

means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory;

means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and

a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the first memory in the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.

12. A system as described in claim 11 wherein the telecommunications lines include telephone lines.

13. A system as described in claim 12 wherein the first memory comprises a first hard disk and the second memory comprises a second hard disk.

14. A system as described in claim 13 including a video display and speakers in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.

15. A system as described in claim 11 wherein the telecommunications lines include telephone lines.

16. A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising:

a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored;

a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory comprising a second party hard disk in which the desired digital video or digital audio signals are stored that are received from the first memory and a playback random access memory connected to the second party hard disk;

telecommunications lines;

means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second

party location;

means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected to said second party hard disk, said second control panel, said incoming random access memory, said second party hard disk and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.

17. A system as described in claim 16 wherein the telecommunications lines include telephone lines.

18. A system as described in claim 17 including a video display and speakers in electrical communication with said second control integrated circuit.

19. A system for transferring digital video signals comprising:

a first party control unit in possession and control of a first party;

a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit;

said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location;

a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip; and

telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party.

20. A system as described in claim 19 wherein the telecommunications lines include telephone lines.

21. A system as described in claim 20 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video signals as a temporary staging area for playback.

22. A system as described in claim 21 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

23. A system as described in claim 22 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party control integrated circuit.

24. A system as described in claim 23 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the second party hard disk.

25. A system as described in claim 24 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party control integrated circuit for displaying the desired digital video signals.

26. A system for transferring digital audio signals comprising:

a first party control unit in possession and control of a first party, and a second party

control unit in possession and control of a second party, wherein said second party control unit is at a second party location remote from the first party control unit, said first party control unit for controlling and transferring digital audio signals, said first party control unit having a first party hard disk having a plurality of digital audio signals which include a plurality of desired individual songs as desired digital audio signals, said first party control unit having a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital audio signals of the first party's hard disk to be transferred from the first party control unit; means or mechanism for transmitting the desired digital audio signals from the sales random access memory chip, said means or mechanism for transferring connected to the sales random access memory chip, and said first party control unit having means or a mechanism for the first party to charge a fee to the second party to provide the second party access to the desired digital audio signals of the first party's hard disk, said means or mechanism for the first party to charge a fee to the second party remote from the second party location;

said second party control unit having a second party control panel, a second memory for storing the desired digital audio signals from the sales random access memory chip, a receiver connected to the second party control panel and speakers connected to the receiver for playing the desired digital audio signals in the second memory, said second party control panel connected to the receiver, said receiver and speakers operatively controlled by the second party control panel, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital audio signals from the first party's hard disk with said second party control panel, said second memory connected to the receiver and the speakers, said second memory storing the desired digital audio signals that are received by the receiver; and

telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital audio signals in the sales random access memory are electronically transferred by the means or mechanism for transferring to the receiver while the second party is in possession and control of the second party control unit and after the desired digital audio signals of the first party's hard disk are sold to the second party by the first party with the means or mechanism for the first party to charge a fee.

27. A system as described in claim 26 wherein the telecommunications lines include telephone lines.

28. A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip to the second memory while the second party is in

possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party.

29. A system as described in claim 28 wherein the telecommunications lines include telephone lines.

30. A system as described in claim 29 wherein the second party control unit includes a second party hard disk which stores a plurality of digital video or audio signals, and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or audio signals as a temporary staging area for playback.

31. A system as described in claim 30 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

32. A system as described in claim 31 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

33. A system as described in claim 32 wherein the second party control unit includes an incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the second party hard disk.

34. A system as described in claim 33 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

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-   1. [Sightsound.com, Inc. v. N2K, Inc.](#), Civil Action No. 98-0118 , UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA , 391 F. Supp. 2d 321; 2003 U.S. Dist. LEXIS 25503, October 23, 2003, Decided

OVERVIEW: Defendant was denied summary judgment on claims of patent invalidity; earlier patent described only "possibility" of use of unit in way that anticipated use of patent-in-suit, not the required "necessity," and fact question existed as to obviousness.

CORE TERMS: patent, digital, signal, invention, music, summary judgment, license, audio, sightsound, consumer ...

... other patents, No. **5,675,734**, issued on October 7, ...

-   2. [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

OVERVIEW: In an action involving patents which were directed to commercially-acceptable systems and methods for selling music and video in digital form over telecommunications lines, the judge made several recommendations regarding claim construction.

CORE TERMS: digital, patent, memory, signal, telecommunication, audio, electronically, specification, desired, telephone ...







... 5,191,573 ("the '573 Patent"), **5,675,734** ("the '734 Patent"), and 5,966,440 ("the ' ...

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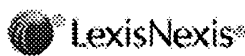
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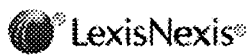
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- 1. [Intellectual Property Today](#), April, 2004, INTERNETINFO.COLUMN; Pg. 49, 718 words, Will the Price of Music Downloads Include Patent License Fees?, BY W. SCOTT PETTY; Scott Petty, a Patent Attorney with King & Spalding, focuses on intellectual 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.
... Patent Nos. 5,191,573 and **5,675,734**, which date back to a ...
- 2. [Mondaq Business Briefing - Hale and Dorr LLP, US](#), November 3, 1999, 02275027, 2096 words, US: Business Methods Patents - The Effects Of State Street On Electronic Commerce And The Internet, Alter, Scott M
... 7. Patent number 5,191,573 and **5,675,734** ...
- 3. [The National Law Journal](#), October 25, 1999, Monday, INTELLECTUAL PROPERTY; Focus on Patent; Pg. C8, 2014 words, 'State Street' sets stage for new patents, battles, 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.
... Patent nos. 5,191,573 and **5,675,734**. Sightsound.com has been pursuing ...
- 4. [The Computer Lawyer](#), October, 1999, PATENT; Vol. 16, No. 10; Pg. 3, 11742 words, What the General Intellectual Property Practitioner Should Know about Patenting Business Methods, 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.
... Sightsound.com asserted this and the **5,675,734** patent below against ...
... c-music patent."**5,675,734** Title: "Method for ...
- 5. [Salon.com](#), March 9, 1999 Tuesday, Feature, 2469 words, How can they patent that?, By Peter Wayner
... consider patents 5191573 and **5675734**, created by Arthur ...
... For instance, patent **5675734** -- one of Hair's patents ...
... doesn't apply to you. Patent **5675734**'s claims also specify that ...
... evaluating what patents 5191573 and **5675734** mean to his company's plans ...
- 6. [Business Wire](#), May 19, 1998, Tuesday, 867 words, Digital Sight/Sound Rolls Out First Patented Method for Sale of Digital Audio/Video Over the Internet, LOS ANGELES
... States Patents 5,191,573 and **5,675,734**. "A2B is a superb ...
- 7. [Business Wire](#), May 18, 1998, Monday, 867 words, Digital Sight/Sound Rolls Out First Patented Method for Sale of Digital Audio/Video Over the Internet, LOS ANGELES
... States Patents 5,191,573 and **5,675,734**. "A2B is a superb ...
- 8. [Intellectual Property Today](#), March, 1998, RFC EXPRESS TM; Recently Filed Patent Cases; Pg. 23, 1248 words
... N2K INC. 5,191,573; **5,675,734** 97-2387 -- Filed: ...

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Applicant Initiated Interview Request Form

Application No.: 90,007,402; 90/007,403; 90/007,407
 First Named Applicant: Arthur Hair
 Examiner: Benjamin Lanier Art Unit: _____ Status of Application: Reexamination

Tentative Participants:
 (1) Kenneth Glick (2) James DiGiorgio Michael R. Casey
 (3) Robert Koons (4) Examiner Lanier

Proposed Date of Interview: April 19, 2006 Proposed Time: 2:00PM (AM/PM)

Type of Interview Requested:
 (1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO
 If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Allowed</u>	<u>69-71</u> <u>77-79</u> <u>65-68</u>	<u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Obj.</u>	<u>73-76</u>	<u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Rej.</u>	<u>All</u> <u>New</u>	<u>All</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>Proposed</u> <input type="checkbox"/> Continuation Sheet Attached	<u>Claims</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Brief Description of Arguments to be Presented:
See attached

An interview was conducted on the above-identified application on 4/19/06.
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
 This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 Applicant's Representative Signature
Robert A. Koons, Jr.
 Typed/Printed Name of Applicant or Representative

 Examiner/SPE Signature

 32,474
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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90/007,407	01/31/2005	5966440	NAPSP003	4782

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REEXAMINATION CONTROL NO. 90/007,407.

PATENT NO. 5966440.

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)).

PTOL-465 (Rev. 07-04)

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Ex Parte Reexamination Interview Summary	Control No.	Patent Under Reexamination	
	90/007,407	5966440	
	Examiner	Art Unit	
	Benjamin E. Lanier	2132	

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

- (1) Benjamin E. Lanier (3) Robert Koons
(2) Kenneth Glick (4) Michael R. Casey

Date of Interview: 19 April 2006

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: 1, 64, 65 and 69.

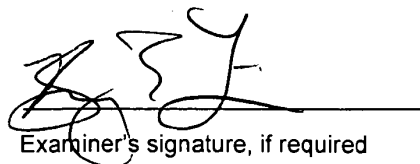
Identification of prior art discussed: Mr. Koons discussed the claim limitations that were previously indicated as allowable and asked Examiner to explain the rationale behind the indication of allowability. Examiner provided rationale for the indication and Mr. Koons discusses possible amending the claims to include the allowable subject matter.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

(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).**

cc: Requester (if third party requester)


Examiner's signature, if required



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002

23973 7590 05/12/2006

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/12/2006

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH :
Attn: INTELLECTUAL PROPERTY GROUP : (For Patent Owner)
One Logan Square :
18th and Cherry Streets :
Philadelphia, PA 19103-6996 :

Albert S. Panilla :
MARTINE PENILLA & GENCARELLA, LLP : (For Requester)
710 Lakeway Drive, Suite 200 :
Sunnyvale, CA 94085 :

: DECISION, *SUA SPONTE*,
: TO VACATE
: REEXAMINATION OFFICE
: ACTION

In re Arthur R. Hair :
Ex Parte Reexamination Proceeding :
Control No. 90/007,403 :
Filed: January 31, 2005 :
For: US Patent No. 5,675,734 :

The above captioned reexamination is before the Central Reexamination Unit for Consideration, *sua sponte*, whether to vacate the Office action made Final dated March 17, 2006.

REVIEW OF FACTS

1. U. S. Patent No. 5,675,734 issued on October 7, 1997.
2. A request was filed by a third party requester for reexamination of US Patent No. 5,675,734 on January 31, 2005.
3. The Order granting reexamination is dated March 18, 2005.

4. Non-final Office actions were mailed on June 21, 2005 and October 26, 2005 respectively.
6. A final Office action was mailed on March 17, 2006.

DISCUSSION REGARDING VACATING THE FINAL ACTION

MPEP 2271 is directed to final Office actions in *ex parte* reexamination proceedings and states as follows:

Before a final action is in order, a clear issue should be developed between the examiner and the patent owner. To bring the prosecution to a speedy conclusion and at the same time deal justly with the patent owner and the public, the examiner will twice provide the patent owner with such information and references as may be useful in defining the position of the Office as to unpatentability before the action is made final. Initially, the decision ordering reexamination of the patent will contain an identification of the new questions of patentability that the examiner considers to be raised by the prior art considered. In addition, the first Office action will reflect the consideration of any arguments and/or amendments contained in the request, the owner's statement filed pursuant to 37 CFR 1.530, and any reply thereto by the requester, and should fully apply all relevant grounds of rejection to the claims.

...
In making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed and any grounds or rejection relied on should be reiterated. The grounds of rejection must (in the final rejection) be clearly developed to such an extent that the patent owner may readily judge the advisability of an appeal. However, where a single previous Office action contains a complete statement of a ground of rejection, the final rejection may refer to such a statement and also should include a rebuttal of any arguments raised in the patent owner's response.

DECISION TO VACATE THE FINAL OFFICE ACTION

All pending reexamination proceedings which remained assigned to the USPTO Technology Centers were transferred from the USPTO Technology Centers into the Central Reexamination Unit (CRU) by May 2006.

As a result of the reassignment of the present proceeding to the CRU, and the facts specific to this proceeding, the Office is vacating the final Office action mailed on March 20, 2006 to permit a CRU panel review and further analysis of the issues. The newly assigned CRU examiner in charge will, in conjunction with a panel review, issue a new Office action.

The patent owner is relieved of the requirement to respond to the final Office action mailed on March 17, 2006, in view of that Office action being vacated.

CONCLUSION

1. By way of instant decision, the Office action mailed in reexamination proceeding 90/007,403 mailed March 17, 2006 is hereby *sua sponte* **vacated**.
2. Jurisdiction over the present proceeding is now forwarded to the newly assigned CRU examiner who is directed to issue a new Office action in due course.
3. No response is required on the part of the Patent Owner, either to the decision or the final Office action mailed on March 17, 2006, which has now been vacated.


4. Correspondence may be submitted as follows:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

By Fax to: (571) 273-9900
Central Reexamination Unit

By Hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

5. Telephone inquiries with regard to this decision should be directed to Mark Reinhart, Special Program Examiner in the Central Reexamination Unit, Art Unit 3992, at (571) 272-1611

 *SPRE CRU 3992 for*
Lissi M. Marquis,
Director,
Central Reexamination Unit

5/9/06



05/16/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
ARTHUR R. HAIR)	
)	
Reexamination Control No. 90/007,403)	
)	
Reexamination Filed: January 31, 2005	)	SYSTEM FOR TRANSMITTING
	)	DESIRED DIGITAL VIDEO OR
Patent Number: 5,675,734	)	AUDIO SIGNAL
)	
Examiner: Roland G. Foster)	

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

Sir:

STATEMENT UNDER 37 C.F.R. §1.560(b)

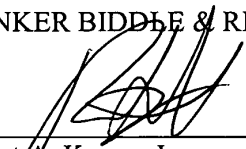
At the Interview with Examiner Lanier on April 19, 2006, in Reexamination Control Nos. 90/007,402, 90/007,403 and 90/007,407, Applicant's counsel presented the following reasons as warranting favorable action in the pending Reexamination applications:

1. The rejections of the pending claims in all three Reexaminations under Section 103 are improper and should be withdrawn because the multiple references cited against those claims are not properly combinable, for all the reasons set forth in Applicant's response to the second office actions filed on December 27, 2005. For the same reasons, the objections to claims in Reexamination Control No. 90/007,407 also are improper.

2. In Reexamination Control No. 90/007,407, if Applicant were to add claims having limitations directed to specific types of tagging, those claims should be allowable to the extent such types of tagging are not shown or suggested by the prior art; and
3. Further in Reexamination Control No. 90/007,407, if Applicant were to add claims having a limitation directed to executing a command on audio or video signals stored in the second memory of Applicant's invention, those claims should be allowable to the extent the execution of such a command is not shown or suggested by the prior art.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



Robert A. Koons, Jr.
Registration No. 32,474

DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996
Telephone: (215) 988-3392
Facsimile: (215) 988-2757

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)		Docket No.	
Applicant(s): Arthur R. Hair		NAPSP002	

Application No. 90/007,403	Filing Date January 31, 2005	Examiner Roland G. Foster	Customer No. 023973	Group Art Unit
--------------------------------------	--	-------------------------------------	-------------------------------	----------------

Invention: **SYSTEM FOR TRANSMITTING DESIRED DIGITAL VIDEO OR AUDIO SIGNAL**

I hereby certify that the following correspondence:

Statement Under 37 C.F.R. Section 1.560(b); Post Card

(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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 16, 2006

(Date)

Lisa Richardson

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EV299884565US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

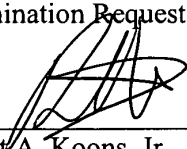
Drinker Biddle & Reath LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via First Class United States Mail, postage prepaid, this 16th day of May, 2006, 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



05-25-06

Reexam\$

✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 ARTHUR R. HAIR)
)
 Reexamination Control No. 90/007,403)
)
 Reexamination Filed: January 31, 2005) SYSTEM FOR TRANSMITTING
) DESIRED DIGITAL VIDEO OR
 Patent Number: 5,675,734) DIGITAL AUDIO SIGNALS
)
 Examiner: Roland G. Foster)

Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. §1.137(b)

On July 13, 2005, then counsel of record for Patentee, Ansel M. Schwartz, conducted an in person Interview with the then examiner of record, Examiner Benjamin Lanier, in Reexamination Control Nos. 90/007,402, 90/007,403 and 90/007,407. Following the Interview, Mr. Schwartz did not file a formal Summary of Interview pursuant to 37 C.F.R. § 1.560(b). Current counsel of record for Patentee now submits the Summary of Interview along with the required fee under 37 C.F.R. § 1.137(b), and hereby respectfully petitions, as provided by 37 C.F.R. § 1.550(e)(2), to have the Office accept the Summary of Interview as having been unintentionally delayed after the period provided under 37 C.F.R. § 1.560(b).

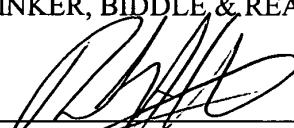
In support of the instant Petition, current counsel of record for Patentee, after having made reasonable inquiry, hereby states that the entire delay in filing the Summary of Interview was unintentional.

05/30/2006 15:03:00
 01 1453 9007403

In support of the instant Petition, current counsel of record for Patentee, after having made reasonable inquiry, hereby states that the entire delay in filing the Summary of Interview was unintentional.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP



Robert A. Koons, Jr.
Registration No. 32,474

DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996
Telephone: (215) 988-3392
Facsimile: (215) 988-2757



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
ARTHUR R. HAIR)	
)	
Reexamination Control No. 90/007,403)	
)	
Reexamination Filed: January 31, 2005	)	SYSTEM FOR TRANSMITTING
	)	DESIRED DIGITAL VIDEO OR
Patent Number: 5,675,734	)	DIGITAL AUDIO SIGNALS
)	
Examiner: Roland G. Foster)	

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

Sir:

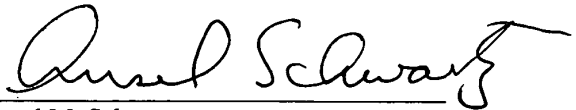
STATEMENT UNDER 37 C.F.R. §1.560(b)

On July 13, 2005, then counsel of record for Patentee, Ansel M. Schwartz, conducted an in person Interview with the then examiner of record, Examiner Benjamin Lanier, in Reexamination Control Nos. 90/007,402, 90/007,403 and 90/007,407. Following the Interview, Mr. Schwartz did not file a formal Summary of Interview pursuant to 37 C.F.R. § 1.560(b), which summary is now submitted herewith. Mr. Schwartz, as former counsel of record for Patentee, hereby declares that the entire delay in filing the current Summary of Interview was unintentional, and submits the following statement concerning the reasons presented to Examiner Lanier as warranting favorable action in the pending Reexaminations.

1. Patentee stated that favorable action to Claim 11 of Reexam 90/007407, as well as all the active claims in Reexam 90/007407, Reexam 90/007403 and 90/007402 was warranted.

This is because neither of the references Freeny or Gallagher anticipated any of the claims, and in view of the secondary evidence of patentability presented, the claims were allowable.

Respectfully submitted,

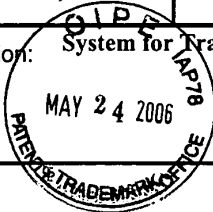
A handwritten signature in cursive script that reads "Ansel Schwartz". The signature is written in black ink and is positioned above a horizontal line.

Ansel M. Schwartz
Registration No. 30,587

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)		Docket No.	
Applicant(s): Arthur R. Hair		NAPSP002	

Application No. 90/007,403	Filing Date 01/31/2005	Examiner Roland G. Foster	Customer No. 23973	Group Art Unit
-------------------------------	---------------------------	------------------------------	-----------------------	----------------

Invention: System for Transmitting Desired Digital Video or Digital Audio Signals



I hereby certify that the following correspondence:

Petition Under 37 C.F.R. 1.137(b), Statement Under 37 C.F.R. 1.560(b), Transmittal Letter, Check for \$1,500.00, Post Card.

(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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 24, 2006
(Date)

Lorraine T. Lewis

(Typed or Printed Name of Person Mailing Correspondence)

Lorraine T. Lewis

(Signature of Person Mailing Correspondence)

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("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996
Telephone (215) 988-3392
Facsimile: (215) 988-2757



**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
NAPSP002

In Re: Application Of: **Arthur R. Hair**
Patent No. 5,675,734

Application No. 90/007,403	Filing Date 01/31/05	Examiner Roland G. Foster	Customer No. 23973	Group Art Unit	Confirmation No. 3002
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Title: **System for Transmitting Desired Digital Video or Digital Audio Signals**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

- Petition Under 37 C.F.R. 1.137(b)**
- Statement Under 37 C.F.R. 1.560(b)**
- Check for \$1,500.00 (Petition Fee)**
- Post Card**

in the above identified application.

- No additional fee is required.
- A check in the amount of **\$1,500.00** is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. **50-0573** as described below.
 - Charge the amount of
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: **5-24-06**

Robert A. Koons, Jr., Reg. No. 32,474
DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996
Telephone (215) 988-3392
Facimile: (215) 988-2757

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on
_____ (Date)
_____ Signature of Person Mailing Correspondence
_____ Typed or Printed Name of Person Mailing Correspondence

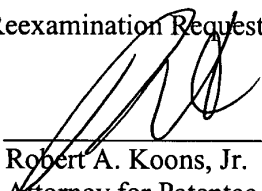
cc:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
Petition Under 37 C.F.R. § 1.137(b) with the attached Statement Under 37 C.F.R.
§ 1.560(b) was served, via First Class United States Mail, postage prepaid, this 24th day
of May, 2006, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

6/19/06

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

ALBERT S. PENILA
MARTINE PENILLA & GENCARELLA LLP
710 LAKEWAY DRIVE, SUITE 200
SUNNYVALE, CA 94085

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO 90/007403
PATENT NO. 5,675,734
ART UNI 3993

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)).



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002

23973 7590 06/19/2006

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/19/2006

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



DRINKER, BIDDLE & REATH, LLP (For Patent Owner)
Attn: Intellectual Property Group
One Logan Square
18th and Cherry Streets
Philadelphia Pa 19103-6996

MAILED
JUN 19 2006
CENTRAL REEXAMINATION UNIT

Albert S. Penilla (For Third Party Requester)
Martine, Penilla & Gencarcella, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085

In re Reexamination Proceeding :
Arthur R. Hair :
Control No. 90/007,403 : DECISION GRANTING PETITION
Filed: January 31, 2005 :
U.S. Patent No. 5,675,734 :
Attorney Docket No. NAPSP002 :

This is a decision on the petition under 37 CFR 1.137(b) filed by the patent owner on May 24, 2006, for entry of late papers based upon unintentional delay.

The petition is before the Office of Patent Legal Administration (OPLA) for decision.

37 CFR 1.137(b) states:

“Unintentional. If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by: (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in § 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.”

§ 1.560 Interviews in ex parte reexamination proceedings.

(a) Interviews in ex parte reexamination proceedings pending before the Office between examiners and the owners of such patents or their attorneys or agents of record must be conducted in the Office at such times, within Office hours, as the respective examiners may designate. Interviews will not be permitted at any other time or place without the authority of the Director. Interviews for the discussion of the patentability of claims in patents involved in ex parte reexamination proceedings will not be conducted prior to the first official

action. Interviews should be arranged in advance. Requests that reexamination requesters participate in interviews with examiners will not be granted.

(b) In every instance of an interview with an examiner in an ex parte reexamination proceeding, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the patent owner. An interview does not remove the necessity for response to Office actions as specified in § 1.111. Patent owner's response to an outstanding Office action after the interview does not remove the necessity for filing the written statement. The written statement must be filed as a separate part of a response to an Office action outstanding at the time of the interview, or as a separate paper within one month from the date of the interview, whichever is later.

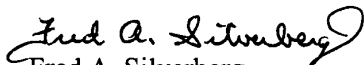
The present petition under 37 CFR 1.137(b) includes the requisite response (written statement)(item 1), a \$1500.00 petition fee under 37 CFR 1.17(m) (item 2) and the requisite statement (item 3).

The petition for entry of the late papers is granted.

Jurisdiction over the reexamination proceeding is being returned to Technology Center Art Unit 3992 for further examination and consideration of the written statement filed May 24, 2006, along with the present petition, in due course.

Any further communications as to the merits of the reexamination proceeding should be directed to the primary examiner, Roland Foster, in Technology Center Art Unit 3992, who can be reached at 571-272-7538.

Telephone inquiries related to this decision should be directed to Fred A. Silverberg at 571-272-7719.

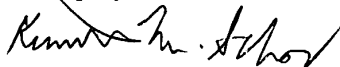


Fred A. Silverberg

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner for Patent Examination Policy



Conferee: Kenneth M. Schor



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002

23973 7590 09/29/2006

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/29/2006

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



9/29/06

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

ALBERT S. PENILA
MARTINE PENILLA & GENCARELLA LLP
710 LAKEWAY DRIVE, SUITE 200
SUNNYVALE, CA 94085

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO 90/007403
PATENT NO. 5,675,734
ART UNI 3992

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. 90/007,403	Patent Under Reexamination 5675734	
	Examiner Roland G. Foster	Art Unit 3992	

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

- a Responsive to the communication(s) filed on 27 December 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. Notice of References Cited by Examiner, PTO-892. 3. Interview Summary, PTO-474.
2. Information Disclosure Statement, PTO/SB/08. 4. _____.

Part II SUMMARY OF ACTION

- 1a. Claims 1-4,6-19,22-25,28 and 31-34 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 1-4,6-19,22-25,28 and 31-34 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

The Patent Owner submitted various responses to the Final Rejection, mailed on March 17, 2006, rejecting certain claims of the instant U.S. Patent No. 5,675,734 patent under reexamination (the "'734 Patent").

Patent Owner arguments were considered, but deemed moot in view new issues concerning the earliest effective filing date of the '734 Patent, which as discussed below is February 27, 1996 (at the earliest) with respect to the original claims, and concerning 35 U.S.C. 112 issues with respect to the new and amended claims. Thus, new grounds of rejection are set forth below.

Benefit of Earlier Filing Date Regarding Original Claims

As an initial matter, the instant '734 Patent and the earlier filed applications are related as follows. The '734 Patent under reexamination issued from U.S. Application No. 08/607,648 (hereinafter the "Child Application"), which was filed on February 27, 1996. The parent application to the Child Application is U.S. Application No. 08/023,398, filed on February 26, 1993 (hereinafter the "Parent Application"). The grandparent application to the Child Application is U.S. Application No. 07/586,391 (hereinafter the "Grandparent Application"), filed on September 18, 1990. Finally, the great-grandparent application to the Child Application is U.S. Application No. 07/206,497, filed June 13, 1988 (hereinafter the "Great Grandparent

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Application). All of the above cases are alleged to be related as "continuation" applications (i.e., no new matter was introduced, thus the applications allegedly share a common specification, see MPEP § 201.06(c).III).¹ However, the specifications of these applications are not common, as discussed below.

The prosecution history of the Child Application (issuing as the '734 Patent under reexamination) does not show that the examiner had reason to consider the propriety of the benefit (continuation) claim set forth in the patent. In addition, the prosecution history of the Child patent does not contain any substantive, written discussion between the applicant and the examiner regarding such a claim.

Intervening Patents and Printed Publications Are Available as Prior Art In a Reexamination Proceeding According to 35 U.S.C. 120

A rejection may be made in an *ex-parte* reexamination proceeding based on an intervening patent when the patent claims under reexamination, under 35 U.S.C. 120, are entitled only to the filing date of the patent under reexamination. Specifically:

Rejections may be made in reexamination proceedings based on intervening patents or printed publications where the patent claims under reexamination are entitled only to the filing date of the patent and are not supported by an earlier foreign or United States patent application whose filing date is claimed. For example, under 35 U.S.C. 120, the effective date of these claims would be the filing date of the application which resulted in the patent. Intervening patents or printed publications are available as prior art under *In re Ruscetta*, 255 F.2d 687, 118 USPQ 101 (CCPA 1958), and *In re van Langenhoven*, 458 F.2d 132, 173 USPQ 426 (CCPA 1972). See also MPEP § 201.11

¹ Note that all the applications above were filed under the old "file wrapper continuation" procedures under 37 CFR 1.62, see MPEP § 201.06(a).

MPEP § 2258.I.C, Scope of Reexamination (emphasis added).

As discussed above, 35 U.S.C. 120 applies to *ex-parte* reexamination procedure. To be entitled to benefit of an earlier filing date under 35 U.S.C. 120, the originally filed specification must support the invention claimed in the later application. See 35 U.S.C. 120.

The Claims of the Child Patent Under Reexamination Lack Priority Under 35 U.S.C. 120 Because the Written Description of the Parent, Grandparent, and Great Grandparent Applications Fail to Support Several Features Claimed in the Child Patent Under Reexamination

A review of the prosecution history reveals that a significant amount of new text (directed to various features) and added by a series of amendments is not found in the original Great-Grandparent Application.

When an explicit limitation in a claim "is not present in the written description whose benefit is sought it must be shown that a person of ordinary skill would have understood, at the time the patent application was filed, that the description requires that limitation." Hyatt v. Boone, 146 F.3d 1348, 1353, 47 USPQ2d 1128, 1131 (Fed. Cir. 1998) (emphasis added). "To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.... Inherency, however, may not be established by probabilities or possibilities." In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted, emphasis added). As for speculation about undisclosed uses of the originally disclosed elements, it is not sufficient that the written description, when "combined with the knowledge in the art, would lead one to speculate as to modifications that the inventor might have envisioned, but failed to disclose." Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1571, 41 USPQ2d 1961, 1965-66 (Fed. Cir. 1997). See also MPEP § 2163.II.A.2(b) and § 2163.05.II.

For example, a significant amount of unsupported, new text was added by amendment to the Grandparent Application, where this new text was neither required nor necessarily present in the original specification. Thus, this new text was new matter. Thus, the Grandparent Application only has an effective filing date of September 18, 1990, at the earliest. Thus, the Child Application, which is alleged to be related via continuation applications to the GrandParent Application, would also only have an effective filing date of September 18, 1990, at the earliest. The reasons for the above conclusion were extensively discussed in the "Benefit of Earlier Filing Date" section in the non-final Office action for related reexamination 90/007,402 (regarding the

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parent U.S. patent 5,191,573, which issued from the Grandparent Application), where this section is hereby incorporated into this Office action in its entirety. For the reasons below however, the priority chain for the Child Application is also broken at a later date.

A significant amount of new text was also added by amendment to the Parent Application. Consider for example the amendment of January 3, 1994. For example, the amendment added the following new text on page 8 of the amendment (emphasis added):

The second party has an account and the means or mechanism for charging a fee includes means or a mechanism for charging the account of the second party. Preferably, the means or mechanism for charging the account includes means or a mechanism for charging a credit card number of the second party.

The applicant however failed to provide support in the original disclosure for the new text in the amendment. Applicant should specifically point out the support for any amendments made to the original disclosure. MPEP § 714.02, 2163.II.A.2(b), and 2163.06.

In addition, the originally disclosed specification in the Great-Grandparent application only disclosed "electronic sales and distribution of music" (see page 2 of the originally filed specification), which does not require any of the above new text, including charging the account of the second party. First, the originally disclosed electronic sale does not require charging the second party. For example, during the originally disclosed electronic sale, money could instead be charged from a third party buyer, such as an advertiser, local network provider, local retail store, friend, etc. Furthermore, a fee would not necessarily be charged upfront during a sale

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(e.g., a free preview or trial period). An account is also neither required nor necessarily present during the electronic sale of music. For example, the electronic music could be sold on a cash basis, such as at a local retail store that downloads the music for the buyer, where the buyer provides no account information whatsoever to the seller. Finally, digital content would not necessarily be purchased using a credit card (e.g., person downloading the content could receive the bill in the mail). The amendment also contains other new text, such as directed to possession and control, that is also is neither required nor necessarily present in the original disclosure. For additional details, see the "Benefit of Earlier Filing Date" section in the non-final Office action for related reexamination 90/007,402, which addresses similar new text (except for the above "account" text) and which, as discussed above, is incorporated into this Office action in its entirety.

Furthermore, a very large amount of the new text in the January 3, 1994 amendment appears to be focused on introducing specific video download, processing, and display procedures that are not found in original specification of the Great-Grandparent Application. Although the original specification contains a general statement at the end of the specification stating "[f]urther, it is intended that this invention is not to be limited to Digital Audio Music and can include Digital Video....", this is a broad, one-sentence, generic statement.² Thus, much of the new text added by the amendment of January 3, 1994 is in the nature of additional, narrowing video limitations and elements undisclosed by a generic video statement in the original

² The original specification also describes using a "convenient visual display of the user's library of songs" (page 5), however this section appears to relate to displaying category/lyrical information to the user regarding downloaded audio content, and not directed to the actual download, processing, and display of video content.

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disclosure of the Great-Grandparent Application, and thus these additional specific video limitations must be shown to be required or necessarily present in the original disclosure, as required by case law and as discussed above.

In the instant case, it is clear that the many explicit and specific video limitations missing from the original written description are not required by nor necessarily present the generic video disclosure at end of the original written description. Undisclosed digital video features (assuming enablement) could be implemented into the broadly termed "invention" in an almost unlimited number of specific, possible (but not required) ways, such as at various levels of integration with the originally disclosed audio system and at various levels of detail. By introducing new text directed to specific video download features in the subsequent amendments, the applicant simply chose one possible (but not required) way to integrate video features into the originally disclosed audio system.³ Indeed, the applicant added specific, video download and transmission procedures not found in the original specification during the prosecution of Grandparent application, see the 90/007,402 reexamination.⁴ Thus, the original, one sentence generic statement does not require all the many instances of undisclosed, specific details later added by the applicant.

³ See, for example, the amendment January 3, 1994.

⁴ Although adding text that replaces all appearances of "audio" with "video" would be one possible (but not required) way to integrate undisclosed video features into the originally disclosed audio system, this is not what the applicant has done here, probably because such a rote replacement would create a dysfunctional system. For example, those originally disclosed audio features directed to listening to the audio during cannot be simply replaced with the word video. For example, applicant waited until the Grandparent Application to add new text directed toward displaying downloaded video, see page 10 of the amendment, filed January 3, 1994.

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Furthermore, transmission and storage of digital video content significantly differs in technology from the transmission and storage of digital audio content, thus the originally disclosed audio transmission features fail to imply or require any video transmission features. For example, the decoding of digital video data is much more processor intensive than the decoding of digital audio data due to the increased information content and bandwidth of a typical video signal. In the mid 1980(s), at the time of the original Great-Grandparent Application, only compact audio disks players were routinely available.⁵ Personal user devices with the processing power capable of playing back much larger and more complex digital video files, such as DVD players, were not routinely available until the late 1990(s), and even these devices initially only read video data from read-only DVD disks capable of storing large digital video files, not from video data downloaded (recorded) from a remote server via a communications network.⁶ Thus, undisclosed devices capable of decoding and playing back digital video files would not have been required nor necessarily present based on the original disclosure of an integrated circuit 50 of the user, which was also originally disclosed to process and store audio information. For the same reasons, it is also not clear how the originally disclosed, incoming RAM 50c and playback RAM 50d could have supported storage of downloaded video and playback.

⁵ See "The History of Recordings", Recording Industry of Association, retrieved from <http://www.riaa.com/issues/audio/hisotry.asp> on September 19, 2006. See also the "History of CD Technology", citing as a source "The compact Disc Handbook, 2nd Edition," by Ken C. Pohlmann, retrieved from <http://www.oneoffcd.com/info/hisotrycd.cfm> on September 19, 2006.

⁶ See the "History of MPEG", University of California, Berkeley, School of Information Management and Systems, retrieved from <http://www2.sims.berkeley.edu/courses/is224/s99/GroupG/report1.html> on September 19, 2006. See also the "History of CD Technology", citing as a source "The compact Disc Handbook, 2nd Edition," by Ken C. Pohlmann, retrieved from <http://www.oneoffcd.com/info/hisotrycd.cfm> on September 19, 2006.

Further regarding the original equipment of the user (consumer), in 1988 a large capacity drive for a user (e.g., 3.5 inch form factor) was around 30 megabytes⁷, yet the digital bandwidth required to transmit a video signal at even VHS quality was 1.5 megabits per second (approximately 30 megabytes in 3 minutes) and this even using a Moving Picture Coding Experts Group Standard "1" ("MPEG-1") video compression technology not even available in 1988.⁸ Thus, undisclosed devices capable of downloading and storing digital video files would not have been required or necessarily present based on the original disclosure of hard disk 60, which was also originally disclosed to process and store audio information.

Regarding video equipment used at the library (server) end, even large mainframe computers (e.g., IBM mainframe computers) typically only provided hard drives with capacity well below 10 gigabytes.⁹ Thus, undisclosed devices capable of supporting even a small-sized video library, with its steep storage requirements as discussed above, would not have been required or necessarily present based on the original disclosure of the library (server) hard disk 10 of the copyright holder, which was originally disclosed as storing audio information.

Regarding the transfer of these large video files over a network, the proliferation of broadband communication network capable of delivering these large files to consumers, such as the Internet, simply did not exist or were not well known in 1988. Furthermore, it is not clear how the digital video would have been coded and decoded during transmission, as digital video

⁷ See "IBM HDD Evolution" chart, by Ed Grochowski at Almaden, retrieved from http://www.soragereview.com/guideImages/z_ibm_sorageevolution.gif on September 19, 2006.

⁸ See the "History of MPEG", University of California, Berkeley, School of Information Management and Systems, retrieved from <http://www2.sims.berkeley.edu/courses/is224/s99/GroupG/report1.html> on September 19, 2006.

coding standards for purposes of transmission and file downloading were not settled in 1988. As an example of the above points, the MPEG-1 standard, which was designed to code/decode digital video information and to transmit the video via a telephone (telecommunications) network in NTSC (broadcast) quality for archiving, was only established in 1992.¹⁰ Thus, undisclosed devices capable of coding, transmitting, and decoding video digital data would not have been required or necessarily present based on the original disclosure of telephone line 30 (transmission line) and control IC(s) 20b and 50b (coding/decoding devices), which were originally disclosed as processing audio information.

Again it should be noted that the applicant failed to provide support in the original disclosure for the new text in the amendment of January 3, 1994 amendment. Applicant should specifically point out the support for any amendments made to the original disclosure. MPEP § 714.02, 2163.II.A.2(b), and 2163.06.

In view of the above, all of the new text introduced by amendment into the Parent Application (as identified above) is considered new matter to the original Great-Grandparent Application for the purposes of this reexamination. Thus, the previously filed specification of the Great-Grandparent Application fail to support the invention claimed in the Parent Application and thus the Parent Application is not entitled to priority under 35 U.S.C. 120, See 35 U.S.C. 120. Thus, the effective filing date (priority) of the instant '734 Patent under reexamination is latest date at which time the priority chain was broken, namely February 26,

⁹ IBM HDD Evolution chart, *supra*.

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1993 (at the earliest), which is also the filing date of the Parent Application. For the reasons below however, the priority chain for the Child Application is also broken at a later date.

The pattern of adding new text not found in the originally disclosed Great-Grandparent specification did not end however with the amendment of January 3, 1994 in the Parent Application. For example, see the amendment of December 9, 1996 in the Child Application, where a significant amount of new text in the nature of narrowing limitations was added to the claims without providing support for where this new text was found. As discussed extensively above, the applicant should specifically point out the support for any amendments made to the original disclosure. Also as discussed extensively above, the new text in the nature of narrowing limitation and narrowing limitations undisclosed in the original specification must be required or necessarily present in the original disclosure of the Great Grandparent application, otherwise the new text is new matter. Here, the extensive new text in the Child Application is new matter because the new text was unsupported by the applicant and because the new text (using the same type of reasoning extensively discussed above and in the "Benefit of Earlier Filing Date" section of the 90/007,402 reexamination, which was incorporated into this Office action) is clearly not required by the original disclosure in the prior applications. Thus, the effective filing date (priority) of the instant '734 Patent under reexamination is latest date at which time the priority chain was broken, namely February 27, 1996 (at the earliest), which is also the filing date of the Child Application.

¹⁰ History of MPEG, *supra*.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 6-10, 19, 22-25, 28, and 31-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

35 U.S.C. 112 issues can be addressed in a reexamination proceeding with respect to new claims or amendatory subject matter. MPEP § 2258.

The new and amended claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

"Most typically, the [112] issue will arise in the context of determining whether new or amended claims are supported by the description of the invention in the application as filed... whether a claimed invention is entitled to the benefit of an earlier priority date or effective filing date under 35 U.S.C. 119, 120, or 365(c)." MPEP § 2163.I. Here, the '734 Patent under reexamination claims benefit under 35 U.S.C. 120 to the earlier filing dates of the Parent, Grandparent, and Great-Grandparent Applications.

The new claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the original Parent Application was filed, had possession of the claimed invention.

To comply with the written description requirement of 35 U.S.C. 112, para. 1, or to be entitled to an earlier priority date or filing date under 35 U.S.C. 119, 120, or 365(c), each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure. When an explicit limitation in a claim "is not present in the written description whose benefit is sought it must be shown that a person of ordinary skill would have understood, at the time the patent application was filed, that the description requires that limitation." Hyatt v. Boone, 146 F.3d 1348, 1353, 47 USPQ2d 1128, 1131 (Fed. Cir. 1998). See also In re Wright, 866 F.2d 422, 425, 9 USPQ2d 1649, 1651 (Fed. Cir. 1989).

MPEP § 2163.II.A.2.(b), emphasis added.

In the amendments of July 21, 2005 and February 6, 2006, the Patent Owner has not pointed out where the new and amended claims are supported, nor does there appear to be a written description of the claim limitations in the specification as filed. Applicant should specifically point out the support for any amendments made to the original disclosure. MPEP § 714.02, 2163.II.A.2(b), and 2163.06. Neither are these limitations implicit or inherent to the originally filed disclosure in the Great-Grandparent Application, as extensively discussed in the "Benefit of Earlier Filing Date Regarding the Original Claims" section above.

Claims 4, 6-10, 19, 22-25, 28, and 31-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

35 U.S.C. 112 issues can be addressed in a reexamination proceeding with respect to new claims or amendatory subject matter. MPEP § 2258.

The new claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the original Great-Grandparent Application was filed, that the specification would have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation. In re Wright, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993). See also MPEP § 2164.01 and 2164.05(a).

Undue Experimentation Factors

There are many factors to be considered when determining whether there is sufficient evidence to support a determination that a disclosure does not satisfy the enablement requirement and whether any necessary experimentation is “undue.” These factors include, but are not limited to whether the scope and breadth of the claims are reasonably related to the scope of enablement within the original specification, the level of ordinary skill in the art, and the quantity of undue experimentation. See MPEP 2164.01(a).

Here, the subject claims recite extensive new text directed to specific and detailed video download and processing procedures that is not found in original specification of the Great-Grandparent Application. The original specification does contain a general statement at the end of the specification stating "[f]urther, it is intended that this invention is not to be limited to Digital Audio Music and can include Digital Video....", however this broad, generic statement fails to enable specifically claimed video download and processing procedures.¹¹

The detailed and extensive claim limitations directed to video download and processing stand in contrast to the brief, generic one sentence disclosure in the original specification, as discussed above. Thus, the scope and breadth of the claims are not reasonably correlated to the scope of enablement in the original specification. The scope of enablement must at least bear a "reasonable correlation" to the scope of the claims. See, e.g., *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970). See also MPEP § 2164.08.

The original specification would not have been enabling to one of ordinary skill in the art and furthermore an undue quantity of experimentation would have been required to make or use the scope of the claimed invention (video download and processing features) based on the original specification. The specification must be enabling as of the filing date of the specification. MPEP § 2164.05(a). Here, the filing date of the Great-Grandparent Application was June 13, 1988. In the mid 1980(s) however, only compact audio disks players were just

¹¹ The original specification also describes using a "convenient visual display of the user's library of songs" (page 5), however this section appears to relate to displaying category information to the user regarding downloaded audio content, and not directed to the actual download of video content.

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becoming popular.¹² Personal user devices with the processing power capable of playing back much larger and more complex digital video files, such as DVD players, were not routinely available until the late 1990(s), and even these devices initially only read video data from read-only DVD disks capable of storing large digital video files, not from video data downloaded (recorded) from a remote server via a communications network.¹³ Thus, it is not clear how the originally disclosed, integrated circuit 50 of the user would have had the processing power to decode and playback downloaded, digital video signals. For the same reasons, it is also not clear how the originally disclosed, incoming RAM 50c and playback RAM 50d could have supported storage of downloaded video and playback.

Further regarding the equipment of the user (consumer), in 1988 a large capacity drive for a user (e.g., 3.5 inch form factor) was around 30 megabytes¹⁴, yet the digital bandwidth required to transmit a video signal at even VHS quality was 1.5 megabits per second (approximately 30 megabytes in 3 minutes) and this even using a Moving Picture Coding Experts Group Standard "1" ("MPEG-1") video compression technology not even available in

¹² See "The History of Recordings", Recording Industry of Association, retrieved from <http://www.riaa.com/issues/audio/hisotry.asp> on September 19, 2006. See also the "History of CD Technology", citing as a source "The compact Disc Handbook, 2nd Edition," by Ken C. Pohlmann, retrieved from <http://www.oneoffcd.com/info/hisotrycd.cfm> on September 19, 2006.

¹³ See the "History of MPEG", University of California, Berkeley, School of Information Management and Systems, retrieved from <http://www2.sims.berkeley.edu/courses/is224/s99/GroupG/report1.html> on September 19, 2006. See also the "History of CD Technology", citing as a source "The compact Disc Handbook, 2nd Edition," by Ken C. Pohlmann, retrieved from <http://www.oneoffcd.com/info/hisotrycd.cfm> on September 19, 2006.

¹⁴ See "IBM HDD Evolution" chart, by Ed Grochowski at Almaden, retrieved from http://www.soragereview.com/guideImages/z_ibm_sorageevolution.gif on September 19, 2006.

1988.¹⁵ Thus, it is not clear how a how downloaded video files of any appreciable or viable size would have been downloaded and stored on originally disclosed hard disk 60 of the user in the original specification.

Regarding the equipment used at the library (server), even large mainframe computers (e.g., IBM mainframe computers) typically only provided hard drives with capacity well below 10 gigabytes.¹⁶ Thus, it is not clear how even a small-sized video library, with its steep bandwidth (storage) requirements (as discussed above), would have been stored in the hard disk 10 of the copyright holder in the original specification, without requiring details directed toward a complex mainframe operating environment.

Regarding the transfer of these large video files over a network, the proliferation of broadband communication network capable of delivering these large files to consumers, such as the Internet, simply did not exist or were not well known in 1988. Furthermore, it is not clear how the digital video would have been coded and decoded during transmission, as digital video coding standards for purposes of transmission and file downloading were not settled in 1988. As an example of the above points, the MPEG-1 standard, which was designed to code/decode digital video information and to transmit the video via a telephone (telecommunications) network in NTSC (broadcast) quality for archiving, was only established in 1992.¹⁷

¹⁵ See the "History of MPEG", University of California, Berkeley, School of Information Management and Systems, retrieved from <http://www2.sims.berkeley.edu/courses/is224/s99/GroupG/report1.html> on September 19, 2006.

¹⁶ IBM HDD Evolution chart, *supra*.

¹⁷ History of MPEG, *supra*.

Thus, based on the evidence regarding each of the above factors, the specification, at the time the Great-Grandparent application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation.

Claim Rejections Based on Yurt

Claim Rejections - 35 USC § 103

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.

Claims 4, 6-19, 22-25, 28, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,132,992 ("Yurt") in view of U.S. Patent No. 5,241,428 ("Goldwasser"), newly cited.

The publication date of the Yurt patent is July 21, 1992. The earliest priority date of the '734 Patent under reexamination however is February 27, 1996, as discussed extensively above in the Priority section. Thus, Yurt is available as 102(b) and 102(e) type prior art. The publication date of the Goldwasser patent is August 31, 1993. Thus, Goldwasser is also available as 102(b) and 102(e) type prior art.

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Regarding **claim 4**:

A method for transferring desired digital video or digital audio signals comprising the steps of:

Yurt teaches transmitting a desired audio or video, digital signal (title, abstract, col. 6, ll. 8-15).

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;

Yurt teaches of a library system control computer 1123 (first party control unit) comprising a hard disk (compressed data library 118) storing a plurality of digital video or audio signals (Fig. 2b and col. 6, ll. 19-22 and col. 12, ll. 42-47).

Yurt teaches that the library system control computer 1123 (control unit) executes a "queue manager program" (col. 15, ll. 33-37). The "queue manager program" temporarily stores a replica of the digital video or audio signals for subsequent transfer via the telecommunications line (Fig. 2b, col. 15, ll. 33-54 and col. 16, ll. 29-52). Thus, the computer is a digital computer. A digital computer inherently includes a random access memory associated with readable/writable register content, system cache, etc. The digital computer also includes a

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"chip', whether the random access memory in the computer is entirely implemented on a single processing unit (e.g., CPU) or whether implemented in a discrete component. Thus, the queue manager program requires a "random access memory chip."

The library system control computer 1123, comprising a random access memory chip, that executes the queue manager (as discussed above), also supports a sale, such as controlling the transfer of user (customer) requested audio and video content from the compressed data library 118 to the transmission format conversion CPU(s) (Fig. 2b, 5, and 7, col. 11, ll. 54-65, and col. 12, ll. 21-27). For example, when the download successfully completes, a "billing program...updates the account of the user" (Fig. 5, step 5090 and col. 17, ll. 9-11). Thus, money is transferred from the second party (user) to the first party (library provider) and a "sale" occurs. Thus, the random access memory chip associated with the library control computer 1123 is a "sales" chip and furthermore supports a "means for electronically selling."

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party; and

Yurt teaches that a reception system 200 associated with the user or customer supports a terminal interface based on a personal computer (Fig. 6 and col. 14, l. 64 – col. 15, l. 21), where a personal computer includes a control unit (e.g., CPU) and control panel (e.g., keyboard). Yurt

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also teaches of control unit and control panel in the form of a telephonic interface (e.g., telephone and keypad) (co. 13, ll. 61 – 68). A second memory (Fig. 6, reception system 200 storage 203) is connected to the control panel via the user interface 207. A means for playing the desired digital video or audio signal (Fig. 6, output format conversion 211-214 and TV or audio amplifiers as discussed in col. 18, ll. 27-45) is coupled to the second memory and control pane (Fig. 6). The means for playing (personal computer interface or telephone keypad) are clearly controlled by the second party (user or customer). The first control unit (library computer controller) is associated with transmission system 100 and the second control unit is associated with reception system 200, where the second control unit is remote to the first control unit via a communication link (e.g., IDSN) (Fig. 1a). The second party (user) determines the location of the control unit as broadly recited by the claims, such as when the user (consumer) operates the reception system at a location of his choosing (e.g., consumer's home). The user also determines the location to which the audio/video data is transmitted and thus the location of the reception system 200 and the second party control unit (personal computer) associated with the reception system 200, such as the user calling from work and having the "movie sent to their house to be played back after dinner or at any later time of their choosing" (col. 5, ll. 18-21).

the second memory includes a second party hard disk which stores the desired digital video or digital audio signals transferred from the sales random access memory chip

Although Yurt teaches that the second memory (storage 203) stores the desired digital video or audio signals transferred from the library control computer 1123 (comprising a sales random access memory chip, as discussed above) via a telecommunications link (Fig. 1a, col. 17,

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ll. 35-53, col. 18, ll. 19-21, and col. 19, ll. 30-36). Yurt however fails to teach that the storage 203 (second memory) includes a "hard disk."

Yurt however teaches that another video and audio storage device, specifically the library system control computer 1123, comprising the compressed data library 118 (Fig. 2b), uses a hard disk (col. 6, ll. 19-22 and col. 12, ll. 42-47).

Yurt also teaches that adding a hard disk to a video and audio storage device would have increased the speed and reliability of video and audio access (col. 12, ll. 42-47).

Thus to one of ordinary skill in the art at the time the invention was made, it would have been obvious to add a hard disk as taught by the audio/video storage device of Yurt to the storage 203 (second memory) in Yurt, which is also a video and audio storage device.

and a playback random access memory chip electronically connected to the second party hard disk for storing a replica of the desired digital video or digital audio signals from the second party hard disk as a temporary staging area for playback

As discussed above, Yurt teaches that a personal computer (control interface) controls the playback of video and audio data stored on the second party hard disk.

Although Yurt as modified above teaches of a second party hard disk, Yurt fails to specifically teach of a "playback random access memory chip electronically connected to the second hard disk for storing a replica of the desired digital video or digital audio signals....as a

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temporary staging area for playback." Yurt however teaches that second party, when entering playback commands, has "random access" to video and audio signals stored in the reception system 200 (second party control unit), such as by entering forward and rewinding commands (col. 17, ll. 35-43).

Similarly to Yurt as discussed above, Goldwasser teaches of a device for recording video and audio signals onto a hard disk and playing back those signals (abstract and col. 3, ll. 6-13), where the user, when entering playback commands, has random access to the video and audio signals stored in the device, such as by entering play, forward, and rewind commands (col. 1, ll. 62-68). Furthermore, the Goldwasser device implements said random access, playback feature by using a record and playback buffer random access memory ("RAM") electronically connected to the hard disk for storing replicas of the desired digital video or audio signals from the hard disk as a temporary staging area for playback (Fig. 3, RAM 53, col. 3, ll. 14-20, and col. 7, ll. 59-68) in order to support a simultaneous record and playback feature (abstract). Goldwasser also teaches that the playback buffer RAM is in the form of discrete electronic components interconnected by control and data buses, thus the playback RAM can properly be interpreted as part of a "chip" (i.e., a playback RAM chip). Thus, Goldwasser teaches of a playback RAM chip electrically connected to a hard disk for buffering, i.e., storing a replica of the desired video or audio signal from the hard disk as a temporary staging area for playback.

The suggestion/motivation for adding the playback RAM chip as taught by Goldwasser would have been to increase the convenience, flexibility, and efficiency of the video and audio

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recording/playback device (with rewind capability) of Yurt. Specifically, the addition of Goldwasser would have allowed "one to view material as it is being recorded," which avoids "many inconveniences" (Goldwasser, col. 1, ll. 30-33). For example, consider the following specific advantages:

For example, often one will anticipate arriving home at a particular hour, sometime after the commencement of a particular broadcast program one desires to watch. One must therefore set one's VCR to commence recording at the beginning of the program. If one then arrives a few minutes after the beginning of the program, one can watch the end of the program in real time, but cannot see its beginning [i.e., rewind and playback] until after the entire program has been recorded.

Similarly, often one will be watching a particular program when one must temporarily cease watching it, for example, to take a telephone call or the like. It would obviously be convenient to be able to record the program from that point forward, complete the telephone call, and simply watch [i.e., playback] the remainder delayed by the length of time of the interruption. However, no devices are now available which permit this facility. It also is not possible to employ two separate videocassette recorders to overcome these inconveniences.

Goldwasser, col. 1, ll. 34-52.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the playback RAM chip electrically connected to a hard disk for buffering (and thus storing a replica of the desired video or audio signal from the hard disk as a temporary staging area for playback) as taught by Goldwasser (directed to a device for recording and playing back audio and video stored on a hard disk, where the user enters random access commands during playback, such as rewind and play) to Yurt (also directed to a device for

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recording and playing back audio and video stored on a hard disk, where the user enters random access commands during playback, such as rewind and play).

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.

Regarding "second memory is in possession and control of the second party", the second party (user) also controls the use and also possesses the second memory (storage 203), such as by the ability to determine what contents are stored in the second memory and what audio/video is played back from the second memory (col. 5, ll. 10-33 and col. 17, ll. 35-53). The remaining limitations recited functions that have been clearly addressed above regarding the teachings of Yurt in view of Goldwasser.

Claim 11 differs substantively from claim 4 in that claim 11 recites limitations directed to a "first control panel", a "transmitter" in control and possession of the first party, a "receiver" in control and possession of the second party, and a first and second control "integrated circuit." The claimed "first control panel" reads on library access interface 121, which includes operator computer terminals (Fig. 2b and col. 14, ll. 52-63). A "transmitter" reads on Fig. 2b, transmitter/transceiver(s) 122, which are in control and possession of the first party, such as when the first party (library provider) determines what contents are stored in the first memory (col. 6, ll. 8-54) and thus the type of content that will transmitted by the transmitters. A

"receiver" reads on the reception system 200 (Fig. 6) (receiver) that includes receiver circuitry (e.g., the transceiver 201). The receiver is in control and possession of the second party. For example, the second party (user) can control what type of content is downloaded to the receiver (as discussed above) and at what time the content is downloaded (col. 5, ll. 18-21). See the claim 4 rejection for additional details. As discussed in the claim 11 rejection above, Yurt teaches a first control circuit (control computer 1123), where the control computer 1123 is a digital computer. A digital computer inherently includes a random access memory associated with readable/writable register content, system cache, etc., which in turn requires integrated circuits. Also as discussed above, Yurt teaches of a second control circuit (user's personal computer), where a personal computer includes integrated circuits.

Claim 16 does not substantively differ from claims 4 and 11. Therefore, see the claims 4 and 11 rejections above for additional details.

Claim 19 differs substantively from claims 4 and 11 in that claim 19 recites the limitation "video display for playing the desired digital video signals." This limitation reads on Yurt, col. 18, ll. 36-37. Claim 19 also recites that the "telecommunications lines include telephone lines", which clearly reads on Yurt, for example, ISDN lines are voice grade telephone lines.

Claim 28 does not substantively differ from claims 4 and 11. Therefore, see the claims 4 and 11 rejections above for additional details.

Regarding **claims 6, 7, 22, 23, 31, and 32**, see the claim 11 rejection above for additional details.

Regarding **claims 8, 24, and 33**, see the claim 4 rejection for additional details.

Regarding **claims 9, 10, 12, 15, and 17**, see the claim 19 rejection for additional details.

Regarding **claim 13**, see the claim 1 rejection for additional details.

Regarding **claims 14, 18, 25, and 34**, see the claim 19 rejection for additional details. A "television" also inherently includes speakers.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of U.S. Patent No. 4,789,863 ("Bush"), of record.

Regarding **claim 1**,

A method for transferring desired digital video or digital audio signals comprising the steps of:

Yurt teaches transmitting a desired audio or video, digital signal (title, abstract, col. 6, ll. 8-15).

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location,

The digital signal is transferred via an ISDN (or the like) telecommunications line connection (Fig. 1a, col. 16, ll. 4-15 and ll. 53-68), which also separates the second party (user) from the remote first party (library provider). The signals are stored on a first memory of a first party (library provider) (Fig. 2a, source material library, pre-compression data processing storages 130 and 131, compressed data formatting storage, and compressed data libraries) and transmitted to a remote, second memory (Fig. 6, reception system 200 storage 203). The reception system is associated with a second party, namely the customer or "user" (Figs. 1d, 1e, 1f, 1g, and col. 5, ll. 10-33).

said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals,

The first memory includes a hard disk (compressed data library 118) storing a plurality of digital video or audio signals (col. 6, ll. 19-22 and col. 12, ll. 42-47) including in coded format (e.g., digital encoding, compression, col. 6, ll. 35-68 and copy protection, col. 5, ll. 34-57).

and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;

Yurt teaches of a "queue manager program" that temporarily stores a replica of the coded (as discussed above) digital video or audio signals for subsequent transfer via the telecommunications line for storage in the second memory (reception system 200 storage) (Fig. 2b, col. 15, ll. 33-54 and col. 16, ll. 29-52). The queue manager program is executed by the library system control computer 1123 (col. 15, ll. 33-37). Thus, the computer is a digital computer. A digital computer inherently includes a random access memory associated with readable/writable register content, system cache, etc. The digital computer also includes a "chip", whether the computer is entirely implemented on a single processing unit (e.g., CPU) or whether the computer is comprised of discrete components (chips). Thus, the queue manager program requires a "random access memory chip."

The library system control computer 1123, comprising a random access memory chip, that executes the queue manager (as discussed above) also implement functions supporting a sale, such as controlling the transfer of user (customer) requested audio and video content from the compressed data library 118 to the transmission format conversion CPU(s) (Fig. 2b, 5, and 7, col. 11, ll. 54-65, and col. 12, ll. 21-27). For example, when the download successfully completes, a "billing program...updates the account of the user" (Fig. 5, step 5090 and col. 17, ll. 9-11). Thus, money is transferred form the second party (user) to the first party (library provider) and a "sale" occurs. Thus, the random access memory chip associated with the library control computer 1123 also supports a "sales" function.

telephoning the first party controlling use of the first memory by the second part;

Yurt teaches telephoning the library provider (first party) controlling use of the first memory, including the compressed data library (col. 13, ll. 48 col. 14, 13).

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;

As discussed above, Yurt teaches electronically coding the digital or audio signals (e.g., digital encoding, compression, col. 6, ll. 35-68 and copy protection, col. 5, ll. 34-57). Copy protection, as taught by Yurt, prevents unauthorized reproduction of the desired video or audio signals.

storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip;

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and

storing the transferred replica of the coded desired digital video or digital audio signals in the second memory.

As discussed above, Yurt teaches storing a replica of the coded, digital video or audio signal from the hard disk (compressed data library 118) into a library system control computer 1123, which executes the queue manager and includes a sales random access memory chip.

Also as repeatedly discussed above, the signal is transferred from the chip to the second memory (reception system 200 memory) of the second party through a telecommunications line (ISDN line, or the like). The second party (user) also controls the use and also possesses the second memory, such as by the ability to determine what contents are stored in the second memory and what audio/video is played back from the second memory (col. 5, ll. 10-33 and col. 17, ll. 35-53)

The received audio/video digital signal is stored in the second memory (storage 203) associated with the second party (user) (col. 17, ll. 35-53, col. 18, ll. 19-21, and col. 19, ll. 30-36).

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;

Yurt teaches of telephoning the first party controlling use of the first memory (library provider) (Fig. 3 and col. 13, l. 61 – col. 14, l. 13) and transferring money (as discussed above in the claim 1 rejection). Yurt however fails to teach providing a credit card number of the second party.

Bush teaches (similarly to Yurt) of a system for downloading audio and video files from a central library to a user, where the user pays for the audio files and stores the audio files

(abstract and Figs. 1 and 6). Bush also teaches that the user provides a credit card number to the second party (library) (col. 4, ll. 44-47, col. 5, ll. 1-3, col. 6, ll. 25-28, and ll. 45-48).

The suggestion/motivation for providing a credit card number to the second party would be to reduce the expenses involved in operating a download service, because financial service organizations, such as credit card organizations, "enable the source 10 to [be] paid be a service fee for the subscriber's use of the system." Bush, col. 2, ll. 58-63. Obviously, providing a credit card number would have been required to use the services of a credit card organization.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step of the user providing a credit number to the second party as taught by the music download system of Bush to the music download of Yurt, which teaches that the user pays for the download.

Regarding **claim 2**, see Yurt, col. 5, ll. 36-40 and col. 6, ll. 43-47. See the claim 4 rejection regarding how Yurt teaches a "second party control unit."

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt in view of Bush as applied to claim 2 above, and further in view of Goldwasser. See the claims 4 and 11 rejections above for further details.

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Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 6-19, 22-25, 28, and 31-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 5,191,573 in view of Yurt. For example, current claim 1 is invalid for double patenting in view of claims 1 and 3 of the '734 patent. The only differences between current claim 1 and claims 1 and 3 of the '734 patent are hard drives at the first and second parties and electronically coding the digital data to prevent unauthorized reproduction. These features do not render the claims patentably distinct because it would have been obvious to one of ordinary skill in the art at the time the invention was made to add hard drives as taught by Yurt. See the claim 4 rejection based on Yurt above for additional details. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode or encrypt the recorded music data as taught by Yurt. See the claim 1 rejection based on Yurt for additional details.

The suggestion/motivation would have been to increase the control and security over one's intellectual property, as would have been notoriously well known in the art.

Conclusion

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due, and it must be accompanied by the petition fee set forth in 37 CFR 1.17(g). The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

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 U.S. Patent No. 5,675,734 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

A complete response should be made in response to this Office Action since the next Office Action is expected to be a Final Action. Thus, 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 C.F.R. 1.116(b), which will be strictly enforced. Any amendment after a Final Action must include "a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented" in order to be considered. See MPEP § 2260.

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All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

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ATTN: Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

By FAX to:

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Central Reexamination Unit

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401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

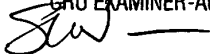
Signed:



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Search Notes



Application/Control No.

90/007,403

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5675734

Art Unit

3992

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)

	DATE	EXMR
<u>EAST</u> - SEE SEARCH HISTORY PRINTOUT	8/15/06	R.C.F.
- 707/104.1 - 709/217, 219	↓	↓
<u>STIC</u> - SEE SEARCH HISTORY PRINTOUT	↓	↓

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 (c) 2006 IDG Communications
 File 810:Business Wire 1986-1999/Feb 28
 (c) 1999 Business Wire
 File 813:PR Newswire 1987-1999/Apr 30
 (c) 1999 PR Newswire Association Inc
 File 587:Jane`s Defense&Aerospace 2006/Aug W1
 (c) 2006 Jane`s Information Group

Set	Items	Description
S1	11113135	AUDIO? ? OR VIDEO?? OR MUSIC?? OR SONG?? OR MOVIE?? OR FILM? ?
S2	325971	(DOWNLOAD??? OR DOWN()LOAD???) (7N)S1
S3	1080058	(INTERNET??? OR ONLINE OR ON()LINE OR WEBSITE?? OR WWW OR -WEB()SITE??) (7N)S1
S4	727799	(NETWORK? ? OR WAN? ? OR LAN? ? OR NET()WORK?? OR INTRANET-??) (7N)S1
S5	911794	(BUY??? OR PUCHAS??? OR RENT??? OR PAY???? OR SELL??? OR S-ALE??? OR BOUGHT?? OR SOLD?? OR SHOPP????) (7N)S1
S6	101248	(CREDIT???? OR CHARG????) (5N)S1
S7	1988516	(STOR??? OR SAV???? OR RECORD???? OR TAP???) (5N)S1
S8	10223577	LIBRARY?? OR SERVER?? OR MEMORY?? OR STORAGE?? OR DATA() (B-ASE?? OR BANK??) OR DATABASE?? OR DATABANK?? OR BULLETIN()BOA-RD?? OR BBS
S9	1079207	AOL? ? OR COMPUSERV? ? OR COMPU()SERV? ? OR GENIE? ? OR PR-ODIGY? ? OR AMERICAN()ONLINE? ? OR EARTHLINK? ? OR EARTH()LIN-K?? OR DELPHI??
S10	2	AU=(HAIR A? OR HAIR, A?)
S11	1177	(S2 OR S3 OR S4) (S) (S5 OR S6) (S) (S7 OR S8) (S)S9
S12	667	RD (unique items)
S13	1	S12 NOT PY>1991
S14	40858	(S2 OR S3 OR S4) (S) (S5 OR S6) (S) (S7 OR S8)
S15	22672	RD (unique items)
S16	506	S15 NOT PY>1991
S17	29	S16(20N) (S2 OR S3)
S18	467	S16(20N)S5
S19	327	S18(20N)S7
S20	313	S19 NOT S17
S21	1	S20(S) (S2 OR S3)
S22	108579	(S2 OR S3) (30N)S5
S23	126	S22 NOT PY>1991
S24	102	RD (unique items)
S25	82	S24 NOT (S17 OR S13 OR S21)
S26	5	S25(S) (S7 OR S8)
S27	77	S25 NOT S26
	?	

File 344:Chinese Patents Abs Jan 1985-2006/Jan
(c) 2006 European Patent Office
File 347:JAPIO Dec 1976-2005/Dec(Updated, 060404)
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File 350:Derwent WPIX 1963-2006/UD=200651
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Set	Items	Description
S1	2263545	AUDIO? ? OR VIDEO?? OR MUSIC?? OR SONG?? OR MOVIE?? OR FILM? ?
S2	2436	(DOWNLOAD??? OR DOWN()LOAD???) (7N)S1
S3	9494	(INTERNET??? OR ONLINE OR ON()LINE OR WEBSITE?? OR WWW OR -WEB()SITE??) (7N)S1
S4	16744	(NETWORK? ? OR WAN? ? OR LAN? ? OR NET()WORK?? OR INTRANET-??) (7N)S1
S5	11278	(BUY??? OR PUCHAS??? OR RENT??? OR PAY???? OR SELL??? OR SALE??? OR BOUGHT?? OR SOLD?? OR SHOPP????) (7N)S1
S6	14071	(CREDIT???? OR CHARG????) (5N)S1
S7	334872	(STOR??? OR SAV???? OR RECORD???? OR TAP???) (5N)S1
S8	2286571	LIBRARY?? OR SERVER?? OR MEMORY?? OR STORAGE?? OR DATA() (BASE?? OR BANK??) OR DATABASE?? OR DATABANK?? OR BULLETIN()BOARD?? OR BBS
S9	1256	AOL? ? OR COMPUSERV? ? OR COMPU()SERV? ? OR GENIE? ? OR PRODIGY? ? OR AMERICAN()ONLINE? ? OR EARTHLINK? ? OR EARTH()LINK?? OR DELPHI??
S10	9	AU=(HAIR A? OR HAIR, A?)
S11	724	(S2 OR S3) AND S5
S12	714	S11 NOT AD=19911211:19940811/PR
S13	680	S12 NOT AD=19940811:19970811/PR
S14	442	S13 NOT AD=19970811:20000811/PR
S15	120	S14 NOT AD=20000811:20030811/PR
S16	0	S15 NOT AD=20030811:20060811/PR
S17	240	(S2 OR S3 OR S4) AND S6
S18	234	S17 NOT AD=19911211:19940811/PR
S19	205	S18 NOT AD=19940811:19970811/PR
S20	156	S19 NOT AD=19970811:20000811/PR
S21	156	S20 NOT AD=19970811:20000811/PR
S22	39	S21 NOT AD=20000811:20030811/PR
S23	39	S22 NOT AD=20000811:20030811/PR
S24	13	S23 NOT AD=20030811:20060811/PR
S25	4	S10 AND (S5 OR S6)
S26	4	S25 AND (S1 OR S2 OR S3)
S27	474	S4 AND S5
S28	449	S27 NOT AD=19911211:19940811/PR
S29	395	S28 NOT AD=19940811:19970811/PR
S30	255	S29 NOT AD=19970811:20000811/PR
S31	85	S30 NOT AD=20000811:20030811/PR
S32	27	S31 NOT AD=20030811:20060811/PR
S33	25	S32 NOT (S24 OR S25)

File 344:Chinese Patents Abs Jan 1985-2006/Jan
(c) 2006 European Patent Office
File 347:JAPIO Dec 1976-2005/Dec(Updated 060404)
(c) 2006 JPO & JAPIO
File 350:Derwent WPIX 1963-2006/UD=200651
(c) 2006 The Thomson Corporation

Set	Items	Description
S1	2263545	AUDIO? ? OR VIDEO?? OR MUSIC?? OR SONG?? OR MOVIE?? OR FILM? ?
S2	2436	(DOWNLOAD??? OR DOWN()LOAD???) (7N)S1
S3	9494	(INTERNET??? OR ONLINE OR ON()LINE OR WEBSITE?? OR WWW OR -WEB()SITE??) (7N)S1
S4	16744	(NETWORK? ? OR WAN? ? OR LAN? ? OR NET()WORK?? OR INTRANET-??) (7N)S1
S5	11278	(BUY??? OR PUCHAS??? OR RENT??? OR PAY???? OR SELL??? OR SALE??? OR BOUGHT?? OR SOLD?? OR SHOPP????) (7N)S1
S6	14071	(CREDIT???? OR CHARG????) (5N)S1
S7	334872	(STOR??? OR SAV???? OR RECORD???? OR TAP???) (5N)S1
S8	2286571	LIBRARY?? OR SERVER?? OR MEMORY?? OR STORAGE?? OR DATA() (BASE?? OR BANK??) OR DATABASE?? OR DATABANK?? OR BULLETIN()BOARD?? OR BBS
S9	1256	AOL? ? OR COMPUSERV? ? OR COMPU()SERV? ? OR GENIE? ? OR PRODIGY? ? OR AMERICAN()ONLINE? ? OR EARTHLINK? ? OR EARTH()LINK?? OR DELPHI??
S10	9	AU=(HAIR A? OR HAIR, A?)'
S11	1	(S2 OR S3 OR S4) AND (S5 OR S6) AND (S7 OR S8) AND S9
S12	837	(S2 OR S3 OR S4) AND (S5 OR S6) AND (S7 OR S8)
S13	819	S12 NOT AD=19911211:19940811/PR
S14	747	S13 NOT AD=19940811:19970811/PR
S15	515	S14 NOT AD=19970811:20000811/PR
S16	124	S15 NOT AD=20000811:20030811/PR
S17	10	S16 NOT AD=20030811:20060811/PR
S18	1	S10 AND (S2 OR S3 OR S4)
S19	1	S18 NOT (S11 OR S17)

File 2:INSPEC 1898-2006/Jul W5
(c) 2006 Institution of Electrical Engineers
File 6:NTIS 1964-2006/Jul W5
(c) 2006 NTIS, Intl Cpyrght All Rights Res
File 8:EI Compendex(R) 1970-2006/Jul W5
(c) 2006 Elsevier Eng. Info. Inc.
File 34:SciSearch(R) Cited Ref Sci 1990-2006/Aug W1
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File 99:Wilson Appl. Sci & Tech Abs 1983-2006/Jul
(c) 2006 The HW Wilson Co.
File 144:Pascal 1973-2006/Jul W3
(c) 2006 INIST/CNRS
File 239:Mathsci 1940-2006/Sep
(c) 2006 American Mathematical Society
File 434:SciSearch(R) Cited Ref Sci 1974-1989/Dec
(c) 2006 The Thomson Corp
File 583:Gale Group Globalbase(TM) 1986-2002/Dec 13
(c) 2002 The Gale Group
File 603:Newspaper Abstracts 1984-1988
(c)2001 ProQuest Info&Learning
File 483:Newspaper Abs Daily 1986-2006/Aug 09
(c) 2006 ProQuest Info&Learning
File 248:PIRA 1975-2006/Jul W4
(c) 2006 Pira International

Set	Items	Description
S1	3886257	AUDIO? ? OR VIDEO?? OR MUSIC?? OR SONG?? OR MOVIE?? OR FILM? ?
S2	3697	(DOWNLOAD??? OR DOWN()LOAD???) (7N)S1
S3	25646	(INTERNET??? OR ONLINE OR ON()LINE OR WEBSITE?? OR WWW OR -WEB()SITE??) (7N)S1
S4	48990	(NETWORK? ? OR WAN? ? OR LAN? ? OR NET()WORK?? OR INTRANET-??) (7N)S1
S5	32572	(BUY??? OR PUCHAS??? OR RENT??? OR PAY???? OR SELL??? OR SALE??? OR BOUGHT?? OR SOLD?? OR SHOPP????) (7N)S1
S6	34810	(CREDIT???? OR CHARG????) (5N)S1
S7	255889	(STOR??? OR SAV???? OR RECORD???? OR TAP???) (5N)S1
S8	2985962	LIBRARY?? OR SERVER?? OR MEMORY?? OR STORAGE?? OR DATA() (BASE?? OR BANK??) OR DATABASE?? OR DATABANK?? OR BULLETIN()BOARD?? OR BBS
S9	222805	AOL? ? OR COMPUSERV? ? OR COMPU()SERV? ? OR GENIE? ? OR PRODIGY? ? OR AMERICAN()ONLINE? ? OR EARTHLINK? ? OR EARTH()LINK?? OR DELPHI??
S10	40	AU=(HAIR A? OR HAIR, A?)
S11	67	(S2 OR S3 OR S4) AND (S5 OR S6) AND (S7 OR S8) AND S9
S12	67	RD (unique items)
S13	1	S12 NOT PY>1991
S14	1506	(S2 OR S3 OR S4) AND (S5 OR S6) AND (S7 OR S8)
S15	1449	RD (unique items)

S16	37	S15 NOT PY>1991
S17	36	S16 NOT S13
S18	2643	(S2 OR S3) AND S5
S19	2575	RD (unique items)
S20	7	S19 NOT PY>1991
S21	3	S20 NOT (S17 OR S13)
S22	0	S10 AND (S5 OR S6)

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(704/104.1).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/08/15 13:01
L2	5335	(707/104.1).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/08/15 13:01
L3	107	2 and @ad<="19920101"	US-PGPUB; USPAT	OR	ON	2006/08/15 13:02
L4	991	2 and @ad<="19980101"	US-PGPUB; USPAT	OR	ON	2006/08/15 13:50
L5	378	4 and (voice or audio or movies or music)	US-PGPUB; USPAT	OR	ON	2006/08/15 13:51
L6	7290	(709/217,219).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/08/15 13:50
L7	1038	6 and @ad<="19980101"	US-PGPUB; USPAT	OR	ON	2006/08/15 13:50
L8	530	7 and (voice or audio or movies or music)	US-PGPUB; USPAT	OR	ON	2006/08/15 13:51
L9	254	8 and (download\$ or (down adj load))	US-PGPUB; USPAT	OR	ON	2006/08/15 13:51
S1	1	("5191573").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 08:02
S2	1	("4528643").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 11:59
S3	2	((("5675734") or ("5996440"))).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 12:00
S4	2	((("5675734") or ("5996440"))).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 12:00
S5	1	("4499568").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 14:50
S19	54273	"379"/\$.ccls.	US-PGPUB; USPAT	OR	ON	2006/04/24 08:17
S20	12829	S19 and (audio or (voice adj message))	US-PGPUB; USPAT	OR	ON	2006/04/24 08:17
S21	2884	S20 and (subscribe or subscription or buy or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 09:30
S22	267	S21 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 08:44
S23	3895	"pay-per-view" or (pay adj3 view) and "379"/\$.ccls.	US-PGPUB; USPAT	OR	ON	2006/04/24 09:08
S24	164	S23 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 09:08
S25	4008	"pay-per-view" or (pay adj3 view) and isdn	US-PGPUB; USPAT	OR	ON	2006/04/24 09:08

EAST Search History

S26	705	("pay-per-view" or (pay adj3 view)) and isdn	US-PGPUB; USPAT	OR	ON	2006/04/24 09:09
S27	707	("pay-per-view" or (pay adj3 view)) and (isdn or idsn)	US-PGPUB; USPAT	OR	ON	2006/04/24 09:11
S28	6	S27 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 09:09
S29	2964	music and (isdn or idsn)	US-PGPUB; USPAT	OR	ON	2006/04/24 09:11
S30	34	S29 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 09:11
S31	23	("3766324" | "4332980" | "4381522" | "4506387" | "4654866" | "4755872" | "4761684" | "4763191" | "4792849" | "4797913" | "4807023" | "4829372" | "4849811" | "4852154" | "4890320" | "4897867" | "4949187" | "4995078" | "5010399" | "5014125" | "5130792" | "5132992" | "5133079").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:21
S32	572	(videotex or videotext or (video adj tex) or (video adj text)) and isdn	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:22
S33	23	S32 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:24
S34	652	((bulletin or Bulletin) adj board) and modem and music and (buy or order or credit)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:26
S35	1	S34 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:25
S36	1973	((bulletin or Bulletin) adj board) and modem and video and (buy or order or credit)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:27
S39	12	S36 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:28
S40	2126	((bulletin or Bulletin) adj board) and modem and video	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:27
S41	14	S40 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:29
S42	16087	isdn and video	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:30

EAST Search History

S43	329	S42 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:30
S44	42	S43 and (subscribe or subscription or buy or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 09:30
S45	18	(US-3718906-\$ or US-4071697-\$ or US-4500751-\$ or US-4567359-\$ or US-4649533-\$ or US-4694490-\$ or US-4789863-\$ or US-4792849-\$ or US-4837797-\$ or US-4852154-\$ or US-4665516-\$ or US-4710955-\$ or US-4829569-\$ or US-4890319-\$ or US-4893248-\$ or US-5130792-\$ or US-4849811-\$ or US-4924492-\$).did.	USPAT	OR	ON	2006/04/24 10:59
S46	1	("4789868").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 11:00
S47	18	(US-4694490-\$ or US-4649533-\$ or US-4567359-\$ or US-4500751-\$ or US-4893248-\$ or US-4890319-\$ or US-4789863-\$ or US-4852154-\$ or US-4837797-\$ or US-4792849-\$ or US-4071697-\$ or US-3718906-\$ or US-4710955-\$ or US-4665516-\$ or US-4829569-\$ or US-4849811-\$ or US-4924492-\$ or US-5130792-\$).did.	USPAT	OR	ON	2006/04/24 12:39
S48	15	("3718906" | "4163254" | "4272791" | "4300040" | "4359631" | "4433207" | "4471379" | "4506387" | "4513315" | "4538176" | "4567512" | "4590516" | "4685131" | "4700386" | "Re31639").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 12:50
S49	45	("4789863").URPN.	USPAT	OR	ON	2006/04/24 13:43
S50	3	((("5191573") or ("5966440") or ("5675734"))).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 13:44
S51	14	("3718906" | "3990710" | "4124773" | "4506387" | "4521806" | "4528643" | "4538176" | "4567359" | "4647989" | "4654799" | "4789863" | "4789868" | "5191193" | "5191573").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 13:44
S52	44	("4124773").URPN.	USPAT	OR	ON	2006/04/24 13:50
S53	1070	(455/412.1).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/04/24 13:50
S54	0	("7and@pn<5200000").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 13:51
S55	11	S53 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 13:53
S56	593	(379/88.13).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/04/24 14:03

EAST Search History

S57	27	S56 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:04
S58	740	(379/88.17).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/04/24 14:03
S59	6	S58 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:04
S60	10567	(video and (charge or buy or credit)) and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:05
S61	430	(video and (credit adj card)) and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 15:36
S62	181	S61 and network	US-PGPUB; USPAT	OR	ON	2006/04/24 14:06
S63	243	(video and audio and (download\$ or (down adj load\$))) and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:13
S64	157	S63 and network	US-PGPUB; USPAT	OR	ON	2006/04/24 14:13
S65	209	S63 and (network or communication)	US-PGPUB; USPAT	OR	ON	2006/04/24 14:14
S66	38	("3599178" | "3746780" | "4009344" | "4009346" | "4028733" | "4062043" | "4071697" | "4122299" | "4381522" | "4400717" | "4450477" | "4506387" | "4518989" | "4521806" | "4533936" | "4538176" | "4567512" | "4590516" | "4679079" | "4688246" | "4734765" | "4755872" | "4763191" | "4785349" | "4807023" | "4833710" | "4847677" | "4868653" | "4890320" | "4907081" | "4914508" | "4920432" | "4937821" | "4947244" | "4949169" | "4949187" | "4963995" | "5032927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 15:30
S67	4	((("4963995") or ("5995705") or ("5057932") or ("5164839")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 15:32
S68	9	("4179709" | "4400717" | "4516156" | "4698664" | "4709418" | "4724491" | "4768110" | "4774574" | "4851931"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 15:35
S69	29448	audio and video and (hard adj (drive or disk)) and network	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 15:36
S70	104	S69 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:28
S71	4959	music same download\$	US-PGPUB; USPAT	OR	ON	2006/04/24 16:28
S72	7	S71 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:32

EAST Search History

S73	1	("4949187").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 16:30
S74	7	("3718906" | "3990710" | "4232295" | "4597058" | "4597098" | "4769833" | "4789961").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 16:30
S75	261	("4949187").URPN.	USPAT	OR	ON	2006/04/24 16:32
S76	1372	music and isdn	USPAT	OR	ON	2006/04/24 16:32
S77	27	S76 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:45
S78	394	audio and music and (download\$ or (down adj load\$))	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:40
S79	24	audio and music and isdn	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:41
S80	341	audio and video and isdn	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:42
S81	690	audio and video and (charge or buy or (credit adj card))	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:43
S82	192	audio and video and (charge or buy or (credit adj card)) and (communications or network)	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:44
S83	56788	(digital adj3 (audio or video)) and (network or communication)	US-PGPUB; USPAT	OR	ON	2006/04/24 16:45
S84	2209	S83 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:45
S85	12261	(digital adj3 (audio or video)) and (network or communication) and (buy or charge or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S86	448	S85 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S87	5130	(digital adj3 (audio or video)) and (network or communication) and (buy or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S88	9207	(digital adj3 (audio or video)) and (network or communication) and (buy or purchase or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S89	105	S88 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 17:40
S90	41	(real adj audio) and (bulletin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:40
S91	41	(real adj audio) and (bullet\$1n adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:40

EAST Search History

S92	41	(real adj audio) and (bull\$1tin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:41
S94	104	(bull\$1tin adj board) and (download\$ near3 audio)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:42
S95	13	(bull\$1tin adj board) and kermit	US-PGPUB; USPAT	OR	ON	2006/04/24 17:44
S96	3548	(bull\$1tin adj board) and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:43
S97	204	(computer adj bull\$1tin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:44
S98	116	(computer adj bull\$1tin adj board) and (audio and video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:12
S99	101	zmodem	US-PGPUB; USPAT	OR	ON	2006/04/25 13:12
S100	33	zmodem and audio	US-PGPUB; USPAT	OR	ON	2006/04/25 13:13
S101	41	zmodem and video	US-PGPUB; USPAT	OR	ON	2006/04/25 13:14
S102	46	ymodem	US-PGPUB; USPAT	OR	ON	2006/04/25 13:14
S103	33	S102 and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:15
S104	159	xmodem	US-PGPUB; USPAT	OR	ON	2006/04/25 13:15
S105	82	S104 and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:17
S106	4094	download\$ adj5 (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:17
S107	39	S106 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/25 13:17
S108	32	("3263158" | "4529870" | "4658093" | "4924378" | "4932054" | "4937863" | "4953209" | "4961142" | "4977594" | "5010571" | "5014234" | "5023907" | "5047928" | "5050213" | "5058164" | "5103476" | "5113519" | "5146499" | "5159182" | "5191193" | "5204897" | "5235642" | "5247575" | "5260999" | "5263157" | "5291596" | "5339091" | "5432849" | "5438508" | "5504814" | "5530235").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/25 14:11
S109	1	("4636876").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 14:44
S110	5	((("5428606") or ("5132992") or ("5130792") or ("4999806") or ("re35184")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 14:49

EAST Search History

S11 1	7	((("3244809") or ("3696297") or ("3718906") or ("3824597") or ("3947882") or ("3990710") or ("4028733")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 14:51
S11 2	11	((("4124773") or ("4300040") or ("4335809") or ("4370649") or ("4422093") or ("4499568") or ("4506387") or ("4520404") or ("4521806") or ("4521857") or ("4586430")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 15:04
S11 3	12	((("4533948") or ("4536856") or ("4538176") or ("4567359") or ("4567512") or ("4605973") or ("4647989") or ("4648037") or ("4658093") or ("4667802") or ("4672613") or ("4674055")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 15:05
S11 4	12	((("4688105") or ("4703465") or ("4725977") or ("4739510") or ("4754483") or ("4755872") or ("4759060") or ("4761684") or ("4763317") or ("4766581") or ("4787050") or ("4789863")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 15:27
S11 5	12	((("4792849") or ("4797918") or ("4829372") or ("4894789") or ("4918588") or ("4949187") or ("5003384") or ("5019900") or ("5041921") or ("5089885") or ("5099422") or ("5191410")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 16:20
S11 6	7	compusonic	US-PGPUB; USPAT	OR	ON	2006/04/25 16:22
S11 7	5322	bbs and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 16:33
S11 8	739	S117 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/25 16:33
S11 9	1661	bbs and (audio and video)	US-PGPUB; USPAT	OR	ON	2006/04/25 16:33
S12 0	95	S119 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/25 17:05
S12 1	2	((("4870515") or ("4528643")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 17:05

EAST Search History

S12 2	40	(US-4694490-\$ or US-4649533-\$ or US-4567359-\$ or US-4500751-\$ or US-4893248-\$ or US-4890319-\$ or US-4789863-\$ or US-4852154-\$ or US-4837797-\$ or US-4792849-\$ or US-4071697-\$ or US-3718906-\$ or US-4710955-\$ or US-4665516-\$ or US-4829569-\$ or US-4849811-\$ or US-4924492-\$ or US-5130792-\$ or US-4538176-\$ or US-4300040-\$ or US-4521806-\$ or US-4124773-\$ or US-4829372-\$ or US-4916737-\$ or US-4623920-\$ or US-4866770-\$).did. or (US-4956768-\$ or US-4949187-\$ or US-4920432-\$ or US-4894789-\$ or US-4839745-\$ or US-5113518-\$ or US-4872151-\$ or US-4724521-\$ or US-5083271-\$ or US-4658093-\$ or US-4499568-\$ or US-4422093-\$ or US-5003384-\$ or US-4935870-\$).did.	USPAT	OR	ON	2006/04/26 08:38
S12 3	56	("3347988" | "3444324" | "3444550" | "3448216" | "3471648" | "3590381" | "3969680").PN. OR ("4124773").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:02
S12 4	14870	music and (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:28
S12 5	165	S124 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:29
S12 6	36749	audio and video and (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:09
S12 7	373	S126 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:29
S12 8	7619	audio same video same (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:54
S12 9	82	S128 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:55
S13 0	1863	((audio or video) near5 (stored or store or storing)) near5 (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:09
S13 1	11	S130 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:10
S13 2	34	(disk adj streamer)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:58

EAST Search History

S13 3	109	(audio and video and (hard adj (drive or disk))).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:10
S13 4	440	((hard adj (drive or disk)) and (audio or video)).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:11
S13 5	8	S134 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:21
S13 6	6078	((hard adj (drive or disk)) and (audio or video)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:12
S13 7	1784	((hard adj (drive or disk)) and (audio and video)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:20
S13 8	327	((hard adj (drive or disk)) near5 (audio and video)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:12
S13 9	2956	media near5 (hard adj (drive or disk))	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:21
S14 0	2442	media near5 (hard adj (drive or disk)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:21
S14 1	19496	media near5 (hard adj (drive or disk))	USPAT	OR	ON	2006/04/26 10:21
S14 2	434	S141 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 3	163	S142 and (video or audio)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:50
S14 4	70	adlib	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:51
S14 5	90	jukebox and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 6	1431	library and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 7	0	S146 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 8	0	".wav" and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 9	534	"wav" and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53

EAST Search History

S15 0	0	S149 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:57
S15 1	1269	(digital adj audio) same (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:56
S15 2	27	S151 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:16
S15 3	934	(compact adj disc adj player) and (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:18
S15 4	41	S153 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 5	517	(compact adj disc adj player) and menu	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 6	30	S155 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:10
S15 7	2921	(compact adj disc) and (artist or composer)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 8	192	(compact adj disc) and (search near5 (artist or composer))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 9	1	S158 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:39
S16 0	8	("3999050" | "4279022" | "4628193" | "4634845" | "4912640" | "4961158" | "5047614" | "Re32655").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:39
S16 1	12167	mpeg and (hard adj (disk or drive))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:39
S16 2	1	S159 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 12:25
S16 3	22	"4870515"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 12:25

EAST Search History

S16 4	52	(US-4694490-\$ or US-4649533-\$ or US-4567359-\$ or US-4500751-\$ or US-4893248-\$ or US-4890319-\$ or US-4789863-\$ or US-4852154-\$ or US-4837797-\$ or US-4792849-\$ or US-4071697-\$ or US-3718906-\$ or US-4710955-\$ or US-4665516-\$ or US-4829569-\$ or US-4849811-\$ or US-4924492-\$ or US-5130792-\$ or US-4538176-\$ or US-4300040-\$ or US-4521806-\$ or US-4124773-\$ or US-4829372-\$ or US-4916737-\$ or US-4623920-\$ or US-4866770-\$.did. or (US-4956768-\$ or US-4949187-\$ or US-4920432-\$ or US-4894789-\$ or US-4839745-\$ or US-5113518-\$ or US-4872151-\$ or US-4724521-\$ or US-5083271-\$ or US-4658093-\$ or US-4499568-\$ or US-4422093-\$ or US-5003384-\$ or US-4935870-\$ or US-4864301-\$ or US-4905003-\$ or US-5065345-\$ or US-5041921-\$ or US-5040110-\$ or US-5034980-\$ or US-5012334-\$ or US-4974178-\$ or US-4851931-\$ or US-4763207-\$ or US-4527262-\$ or US-4873589-\$.did.	USPAT	OR	ON	2006/04/26 14:09
S16 6	8	S164 and record.ab.	USPAT	OR	ON	2006/04/26 12:48
S16 7	2799	video adj clips	USPAT	OR	ON	2006/04/26 14:09
S16 8	19	S167 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:14
S16 9	7	((download or downloading) adj3 video) and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:13
S17 0	343	videotext	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:13
S17 1	118	S170 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:14
S17 2	1	("5191573").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/11 11:44

EAST Search History

S17 3	53	(US-4916737-\$ or US-4789863-\$ or US-4665516-\$ or US-4694490-\$ or US-5003384-\$ or US-4890319-\$ or US-4071697-\$ or US-4567359-\$ or US-4893248-\$ or US-4724521-\$ or US-4837797-\$ or US-4710955-\$ or US-4500751-\$ or US-3718906-\$ or US-4866770-\$ or US-4792849-\$ or US-4829569-\$ or US-4852154-\$ or US-4849811-\$ or US-4829372-\$ or US-4924492-\$ or US-4920432-\$ or US-4949187-\$ or US-5130792-\$ or US-4300040-\$ or US-4521806-\$).did. or (US-4124773-\$ or US-4538176-\$ or US-5083271-\$ or US-4864301-\$ or US-4905003-\$ or US-4935870-\$ or US-4623920-\$ or US-4450477-\$ or US-5012334-\$ or US-4956768-\$ or US-4839745-\$ or US-4851931-\$ or US-4894789-\$ or US-4499568-\$ or US-4872151-\$ or US-5113518-\$ or US-4422093-\$ or US-4658093-\$ or US-5041921-\$ or US-5065345-\$ or US-5034980-\$ or US-4763207-\$ or US-4527262-\$ or US-5040110-\$ or US-4974178-\$ or US-4873589-\$ or US-4649533-\$).did.	USPAT	OR	ON	2006/08/11 12:35
S17 4	35	S173 and (buy or pay or credit or purchase)	USPAT	OR	ON	2006/08/11 12:36
S17 5	22	S173 and (credit)	USPAT	OR	ON	2006/08/11 16:32
S17 6	1	("4789863").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/11 16:34
S17 7	1	("4870515").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/11 16:55
S17 8	1	("4789863").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/14 11:39
S17 9	1	("4870515").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/14 11:39
S18 0	1	("4870515").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/15 11:37
S18 1	1	burks\$.in. and boska\$.in.	US-PGPUB; USPAT	OR	ON	2006/08/15 12:15
S18 2	1	("5191573").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/15 12:25
S18 3	142	itunes	US-PGPUB; USPAT	OR	ON	2006/08/15 12:25

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	((("5130792") or ("4949187") or ("4920432") or ("4829372") or ("4789863")).PN.	US-PGPUB; USPAT	OR	OFF	2006/08/01 14:09
S2	200	("5130792").URPN.	USPAT	OR	ON	2006/08/01 15:25
S3	1	("4949187").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/01 15:25
S4	278	("4949187").URPN.	USPAT	OR	ON	2006/08/01 15:27
S6	194	S4 not S2	USPAT	OR	ON	2006/08/01 15:27
S7	8	("4506387" | "4709418" | "4949187" | "5144661" | "5172413" | "5216515" | "5218454" | "5229850").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/01 17:09
S8	200	("5130792").URPN.	USPAT	OR	ON	2006/08/01 17:40
S9	1	("4920432").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/01 17:40
S10	123	("4920432").URPN.	USPAT	OR	ON	2006/08/03 11:58
S11	1	("4829372").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 11:59
S12	112	("4829372").URPN.	USPAT	OR	ON	2006/08/03 12:41
S13	1	("4789863").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:14
S14	45	("4789863").URPN.	USPAT	OR	ON	2006/08/03 12:44
S15	1	("5721827").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 12:44
S16	25	("5966440").URPN.	USPAT	OR	ON	2006/08/03 12:58
S17	1	("5133079").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:14
S18	204	("5133079").URPN.	USPAT	OR	ON	2006/08/03 13:35
S19	1	("5172413").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:35
S20	190	("5172413").URPN.	USPAT	OR	ON	2006/08/03 13:40
S21	3	((("5191573") or ("5966440") or ("5675734")).PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:41
S22	76	("5191573").URPN.	USPAT	OR	ON	2006/08/03 13:41
S23	74	("5675734").URPN.	USPAT	OR	ON	2006/08/03 13:43

EAST Search History

S24	31	(US-7017178-\$ or US-6463207-\$ or US-5717814-\$ or US-5544228-\$ or US-5528281-\$ or US-5253275-\$ or US-5132992-\$ or US-5133079-\$ or US-5172413-\$ or US-5696869-\$ or US-5550863-\$ or US-5790174-\$ or US-5594490-\$ or US-5247347-\$ or US-5220420-\$ or US-5181107-\$ or US-5119188-\$ or US-5014125-\$ or US-6609105-\$ or US-6496802-\$ or US-6072982-\$ or US-5966440-\$ or US-5745678-\$ or US-5636276-\$ or US-5555441-\$ or US-5390172-\$).did. or (US-5497502-\$ or US-5410343-\$ or US-5394182-\$ or US-5371532-\$ or US-6002720-\$).did.	USPAT	OR	ON	2006/08/03 13:47
S25	93	("20010033659" | "3990710" | "4054911" | "4300040" | "4355338" | "4449198" | "4468751" | "4481412" | "4506387" | "4521806" | "4703456" | "4725977" | "4789863" | "4792849" | "4811325" | "4851931" | "4924303" | "4937807" | "5021893" | "5041921" | "5051822" | "5084768" | "5099422" | "5168481" | "5208665" | "5233477" | "5237157" | "5260778" | "5267351" | "5319707" | "5319774" | "5355302" | "5365381" | "5400401" | "5418654" | "5440637" | "5481296" | "5502601" | "5532920" | "5541638" | "5557541" | "5563665" | "5572442" | "5585866" | "5592511" | "5600573" | "5627867" | "5629733" | "5629867" | "5629980" | "5633839" | "5638443" | "5646992" | "5661787" | "5675734" | "5689648" | "5703795" | "5715403" | "5721827" | "5726909" | "5734961" | "5758257" | "5794217" | "5806068" | "5809246" | "5815471" | "5845262" | "5877755" | "5894119" | "5900830" | "5913204" | "5915090" | "5918213" | "5931901" | "5949411" | "5949476" | "5956491" | "5959944" | "5959945" | "5960411" | "5963916" | "5974004" | "5987525" | "6005597" | "6006251" | "6011758" | "6014184" | "6044403" | "6061680" | "6088455" | "6088710" | "6092105" | "6092197").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/03 14:44
S26	45	("4789863").URPN.	USPAT	OR	ON	2006/08/03 14:46
S27	100	("4710921" | "4789863" | "4790010" | "4991207" | "5191611" | "5208665").PN. OR ("5636276").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/03 16:28

EAST Search History

S28	19	("4956768" "5113496" "5191410" "5195092" "5418713" "5423003" "5550577" "5555441" "5560038" "5583763" "5590282" "5619247" "5636276" "5729281" "5756280" "5781889" "5790423" "5867155" "5870553").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/03 16:44
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EAST Search History

S29	264	("20010002852" "20010003846" "20010005906" "20010010045" "20010010095" "20010013037" "20010013120" "20010014882" "20010016836" "20010017920" "20010018742" "20010018858" "20010023416" "20010023417" "20010023428" "20010024425" "20010024566" "20010025259" "20010025269" "20010025316" "20010027561" "20010027563" "20010029491" "20010029538" "20010029583" "20010030660" "20010031066" "20010032131" "20010032132" "20010032133" "20010032187" "20010032312" "20010034635" "20010034714" "20010034883" "20020057799" "20020062261" "20020066025" "20020073038" "3373517" "3376465" "3848193" "3941926" "3983317" "3993955" "4094010" "4155042" "4332022" "4368485" "4476488" "4536791" "4559480" "4575750" "4595950" "4654482" "4716410" "4734779" "4734858" "4761641" "4789863" "4797913" "4809325" "4812843" "4829569" "4847825" "4862268" "4908713" "4949187" "5046090" "5051822" "5073925" "5107107" "5121430" "5123046" "5133079" "5182669" "5191573" "5214793" "5233423" "5235587" "5251193" "5257017" "5260778" "5274762" "5283731" "5297204" "5311423" "5319735" "5355302" "5365282" "5373330" "5414756" "5418713" "5420647" "5420923" "5428606" "5438355" "5465291" "5469020" "5469206" "5473584" "5486819" "5495283" "5497186" "5497479" "5508815" "5512935" "5513260" "5530751" "5532920" "5543856" "5557541"). PN. OR ("5559549" "5565909" "5568272" "5592511" "5592551" "5592626" "5600839" "5610653" "5612741" "5619247" "5621840" "5621863" "5627895" "5628050" "5630067" "5638113" "5640453" "5644859" "5646603" "5646997" "5654747" "5659366" "5659613" "5661516" "5664018" "5675734" "5684918" "5686954" "5689799" "5692214" "5701161" "5701383" "5701397" "5710869" "5717814" "5717832" "5721827" "5721951" "5724062" "5724091" "5724525" "5724074" "5724413" "5724036"	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/04 12:42
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EAST Search History

S30	46	(US-7017178-\$ or US-6463207-\$ or US-5717814-\$ or US-5544228-\$ or US-5528281-\$ or US-5253275-\$ or US-5132992-\$ or US-5133079-\$ or US-5172413-\$ or US-5696869-\$ or US-5550863-\$ or US-5790174-\$ or US-5594490-\$ or US-5247347-\$ or US-5220420-\$ or US-5181107-\$ or US-5119188-\$ or US-5014125-\$ or US-6609105-\$ or US-6496802-\$ or US-6072982-\$ or US-5966440-\$ or US-5745678-\$ or US-5636276-\$ or US-5555441-\$ or US-5390172-\$).did. or (US-5497502-\$ or US-5410343-\$ or US-5394182-\$ or US-5371532-\$ or US-6002720-\$ or US-5041921-\$ or US-5267351-\$ or US-5418654-\$ or US-5638443-\$ or US-5734961-\$ or US-4789863-\$ or US-6182128-\$ or US-4956768-\$ or US-5191410-\$ or US-5195092-\$ or US-5418713-\$ or US-5550577-\$ or US-5619247-\$ or US-5781889-\$ or US-5790423-\$).did.	USPAT	OR	ON	2006/08/07 15:23
S31	1	("5191573").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/08 11:53
S32	1	("5436960").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/08 11:53

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	5	((("5130792") or ("4949187") or ("4920432") or ("4829372") or ("4789863")).PN.	US-PGPUB; USPAT	OR	OFF	2006/08/01 14:09
S2	200	("5130792").URPN.	USPAT	OR	ON	2006/08/01 15:25
S3	1	("4949187").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/01 15:25
S4	278	("4949187").URPN.	USPAT	OR	ON	2006/08/01 15:27
S6	194	S4 not S2	USPAT	OR	ON	2006/08/01 15:27
S7	8	("4506387" | "4709418" | "4949187" | "5144661" | "5172413" | "5216515" | "5218454" | "5229850").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/01 17:09
S8	200	("5130792").URPN.	USPAT	OR	ON	2006/08/01 17:40
S9	1	("4920432").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/01 17:40
S10	123	("4920432").URPN.	USPAT	OR	ON	2006/08/03 11:58
S11	1	("4829372").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 11:59
S12	112	("4829372").URPN.	USPAT	OR	ON	2006/08/03 12:41
S13	1	("4789863").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:14
S14	45	("4789863").URPN.	USPAT	OR	ON	2006/08/03 12:44
S15	1	("5721827").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 12:44
S16	25	("5966440").URPN.	USPAT	OR	ON	2006/08/03 12:58
S17	1	("5133079").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:14
S18	204	("5133079").URPN.	USPAT	OR	ON	2006/08/03 13:35
S19	1	("5172413").PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:35
S20	190	("5172413").URPN.	USPAT	OR	ON	2006/08/03 13:40
S21	3	((("5191573") or ("5966440") or ("5675734")).PN.	US-PGPUB; USPAT	OR	OFF	2006/08/03 13:41
S22	76	("5191573").URPN.	USPAT	OR	ON	2006/08/03 13:41
S23	74	("5675734").URPN.	USPAT	OR	ON	2006/08/03 13:43

EAST Search History

S24	31	(US-7017178-\$ or US-6463207-\$ or US-5717814-\$ or US-5544228-\$ or US-5528281-\$ or US-5253275-\$ or US-5132992-\$ or US-5133079-\$ or US-5172413-\$ or US-5696869-\$ or US-5550863-\$ or US-5790174-\$ or US-5594490-\$ or US-5247347-\$ or US-5220420-\$ or US-5181107-\$ or US-5119188-\$ or US-5014125-\$ or US-6609105-\$ or US-6496802-\$ or US-6072982-\$ or US-5966440-\$ or US-5745678-\$ or US-5636276-\$ or US-5555441-\$ or US-5390172-\$), did. or (US-5497502-\$ or US-5410343-\$ or US-5394182-\$ or US-5371532-\$ or US-6002720-\$), did.	USPAT	OR	ON	2006/08/03 13:47
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EAST Search History

S25	93	("20010033659" "3990710" "4054911" "4300040" "4355338" "4449198" "4468751" "4481412" "4506387" "4521806" "4703456" "4725977" "4789863" "4792849" "4811325" "4851931" "4924303" "4937807" "5021893" "5041921" "5051822" "5084768" "5099422" "5168481" "5208665" "5233477" "5237157" "5260778" "5267351" "5319707" "5319774" "5355302" "5365381" "5400401" "5418654" "5440637" "5481296" "5502601" "5532920" "5541638" "5557541" "5563665" "5572442" "5585866" "5592511" "5600573" "5627867" "5629733" "5629867" "5629980" "5633839" "5638443" "5646992" "5661787" "5675734" "5689648" "5703795" "5715403" "5721827" "5726909" "5734961" "5758257" "5794217" "5806068" "5809246" "5815471" "5845262" "5877755" "5894119" "5900830" "5913204" "5915090" "5918213" "5931901" "5949411" "5949476" "5956491" "5959944" "5959945" "5960411" "5963916" "5974004" "5987525" "6005597" "6006251" "6011758" "6014184" "6044403" "6061680" "6088455" "6088710" "6092105" "6092197").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/03 14:44
S26	45	("4789863").URPN.	USPAT	OR	ON	2006/08/03 14:46
S27	100	("4710921" | "4789863" | "4790010" | "4991207" | "5191611" | "5208665").PN. OR ("5636276").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/03 16:28
S28	19	("4956768" | "5113496" | "5191410" | "5195092" | "5418713" | "5423003" | "5550577" | "5555441" | "5560038" | "5583763" | "5590282" | "5619247" | "5636276" | "5729281" | "5756280" | "5781889" | "5790423" | "5867155" | "5870553").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/03 16:44

EAST Search History

S29	264	("20010002852" | "20010003846" | "20010005906" | "20010010045" | "20010010095" | "20010013037" | "20010013120" | "20010014882" | "20010016836" | "20010017920" | "20010018742" | "20010018858" | "20010023416" | "20010023417" | "20010023428" | "20010024425" | "20010024566" | "20010025259" | "20010025269" | "20010025316" | "20010027561" | "20010027563" | "20010029491" | "20010029538" | "20010029583" | "20010030660" | "20010031066" | "20010032131" | "20010032132" | "20010032133" | "20010032187" | "20010032312" | "20010034635" | "20010034714" | "20010034883" | "20020057799" | "20020062261" | "20020066025" | "20020073038" | "3373517" | "3376465" | "3848193" | "3941926" | "3983317" | "3993955" | "4094010" | "4155042" | "4332022" | "4368485" | "4476488" | "4536791" | "4559480" | "4575750" | "4595950" | "4654482" | "4716410" | "4734779" | "4734858" | "4761641" | "4789863" | "4797913" | "4809325" | "4812843" | "4829569" | "4847825" | "4862268" | "4908713" | "4949187" | "5046090" | "5051822" | "5073925" | "5107107" | "5121430" | "5123046" | "5133079" | "5182669" | "5191573" | "5214793" | "5233423" | "5235587" | "5251193" | "5257017" | "5260778" | "5274762" | "5283731" | "5297204" | "5311423" | "5319735" | "5355302" | "5365282" | "5373330" | "5414756" | "5418713" | "5420647" | "5420923" | "5428606" | "5438355" | "5465291" | "5469020" | "5469206" | "5473584" | "5486819" | "5495283" | "5497186" | "5497479" | "5508815" | "5512935" | "5513260" | "5530751" | "5532920" | "5543856" | "5557541").PN. OR ("5559549" | "5565909" | "5568272" | "5592511" | "5592551" | "5592626" | "5600839" | "5610653" | "5612741" | "5619247" | "5621840" | "5621863" | "5627895" | "5628050" | "5630067" | "5638113" | "5640453" | "5644859" | "5646603" | "5646997" | "5654747" | "5659366" | "5659613" | "5661516" | "5664018"	US-PGPUB; USPAT; USOCR	OR	ON	2006/08/04 12:42
8/15/06	1:59:30 PM	C:\Documents and Settings\roster1\My Documents\EAST\Workspaces\900074021.wsp | "5644859" | "5646603" | "5646997" | "5654747" | "5659366" |				Page 4

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	("5191573").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 08:02
S2	1	("4528643").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 11:59
S3	2	((("5675734") or ("5996440")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 12:00
S4	2	((("5675734") or ("5966440")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 12:00
S5	1	("4499568").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/20 14:50
S19	54273	"379"/\$.ccls.	US-PGPUB; USPAT	OR	ON	2006/04/24 08:17
S20	12829	S19 and (audio or (voice adj message))	US-PGPUB; USPAT	OR	ON	2006/04/24 08:17
S21	2884	S20 and (subscribe or subscription or buy or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 09:30
S22	267	S21 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 08:44
S23	3895	"pay-per-view" or (pay adj3 view) and "379"/\$.ccls.	US-PGPUB; USPAT	OR	ON	2006/04/24 09:08
S24	164	S23 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 09:08
S25	4008	"pay-per-view" or (pay adj3 view) and isdn	US-PGPUB; USPAT	OR	ON	2006/04/24 09:08
S26	705	("pay-per-view" or (pay adj3 view)) and isdn	US-PGPUB; USPAT	OR	ON	2006/04/24 09:09
S27	707	("pay-per-view" or (pay adj3 view)) and (isdn or idsn)	US-PGPUB; USPAT	OR	ON	2006/04/24 09:11
S28	6	S27 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 09:09
S29	2964	music and (isdn or idsn)	US-PGPUB; USPAT	OR	ON	2006/04/24 09:11
S30	34	S29 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/24 09:11
S31	23	("3766324" | "4332980" | "4381522" | "4506387" | "4654866" | "4755872" | "4761684" | "4763191" | "4792849" | "4797913" | "4807023" | "4829372" | "4849811" | "4852154" | "4890320" | "4897867" | "4949187" | "4995078" | "5010399" | "5014125" | "5130792" | "5132992" | "5133079").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:21

EAST Search History

S32	572	(videotex or videotext or (video adj tex) or (video adj text)) and isdn	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:22
S33	23	S32 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:24
S34	652	((bulletin or Bulletin) adj board) and modem and music and (buy or order or credit)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:26
S35	1	S34 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:25
S36	1973	((bulletin or Bulletin) adj board) and modem and video and (buy or order or credit)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:27
S39	12	S36 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:28
S40	2126	((bulletin or Bulletin) adj board) and modem and video	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:27
S41	14	S40 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:29
S42	16087	isdn and video	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:30
S43	329	S42 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 09:30
S44	42	S43 and (subscribe or subscription or buy or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 09:30
S45	18	(US-3718906-\$ or US-4071697-\$ or US-4500751-\$ or US-4567359-\$ or US-4649533-\$ or US-4694490-\$ or US-4789863-\$ or US-4792849-\$ or US-4837797-\$ or US-4852154-\$ or US-4665516-\$ or US-4710955-\$ or US-4829569-\$ or US-4890319-\$ or US-4893248-\$ or US-5130792-\$ or US-4849811-\$ or US-4924492-\$).did.	USPAT	OR	ON	2006/04/24 10:59
S46	1	("4789868").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 11:00

EAST Search History

S47	18	(US-4694490-\$ or US-4649533-\$ or US-4567359-\$ or US-4500751-\$ or US-4893248-\$ or US-4890319-\$ or US-4789863-\$ or US-4852154-\$ or US-4837797-\$ or US-4792849-\$ or US-4071697-\$ or US-3718906-\$ or US-4710955-\$ or US-4665516-\$ or US-4829569-\$ or US-4849811-\$ or US-4924492-\$ or US-5130792-\$).did.	USPAT	OR	ON	2006/04/24 12:39
S48	15	("3718906" | "4163254" | "4272791" | "4300040" | "4359631" | "4433207" | "4471379" | "4506387" | "4513315" | "4538176" | "4567512" | "4590516" | "4685131" | "4700386" | "Re31639").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 12:50
S49	45	("4789863").URPN.	USPAT	OR	ON	2006/04/24 13:43
S50	3	((("5191573") or ("5966440") or ("5675734")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 13:44
S51	14	("3718906" | "3990710" | "4124773" | "4506387" | "4521806" | "4528643" | "4538176" | "4567359" | "4647989" | "4654799" | "4789863" | "4789868" | "5191193" | "5191573").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 13:44
S52	44	("4124773").URPN.	USPAT	OR	ON	2006/04/24 13:50
S53	1070	(455/412.1).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/04/24 13:50
S54	0	("7and@pn<5200000").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 13:51
S55	11	S53 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 13:53
S56	593	(379/88.13).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/04/24 14:03
S57	27	S56 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:04
S58	740	(379/88.17).CCLS.	US-PGPUB; USPAT	OR	OFF	2006/04/24 14:03
S59	6	S58 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:04
S60	10567	(video and (charge or buy or credit)) and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:05
S61	430	(video and (credit adj card)) and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 15:36
S62	181	S61 and network	US-PGPUB; USPAT	OR	ON	2006/04/24 14:06
S63	243	(video and audio and (download\$ or (down adj load\$))) and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 14:13

EAST Search History

S64	157	S63 and network	US-PGPUB; USPAT	OR	ON	2006/04/24 14:13
S65	209	S63 and (network or communication)	US-PGPUB; USPAT	OR	ON	2006/04/24 14:14
S66	38	("3599178" | "3746780" | "4009344" | "4009346" | "4028733" | "4062043" | "4071697" | "4122299" | "4381522" | "4400717" | "4450477" | "4506387" | "4518989" | "4521806" | "4533936" | "4538176" | "4567512" | "4590516" | "4679079" | "4688246" | "4734765" | "4755872" | "4763191" | "4785349" | "4807023" | "4833710" | "4847677" | "4868653" | "4890320" | "4907081" | "4914508" | "4920432" | "4937821" | "4947244" | "4949169" | "4949187" | "4963995" | "5032927").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 15:30
S67	4	((("4963995") or ("5995705") or ("5057932") or ("5164839")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 15:32
S68	9	("4179709" | "4400717" | "4516156" | "4698664" | "4709418" | "4724491" | "4768110" | "4774574" | "4851931"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 15:35
S69	29448	audio and video and (hard adj (drive or disk)) and network	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 15:36
S70	104	S69 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:28
S71	4959	music same download\$	US-PGPUB; USPAT	OR	ON	2006/04/24 16:28
S72	7	S71 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:32
S73	1	("4949187").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/24 16:30
S74	7	("3718906" | "3990710" | "4232295" | "4597058" | "4597098" | "4769833" | "4789961").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/24 16:30
S75	261	("4949187").URPN.	USPAT	OR	ON	2006/04/24 16:32
S76	1372	music and isdn	USPAT	OR	ON	2006/04/24 16:32
S77	27	S76 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:45
S78	394	audio and music and (download\$ or (down adj load\$))	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:40
S79	24	audio and music and isdn	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:41

EAST Search History

S80	341	audio and video and isdn	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:42
S81	690	audio and video and (charge or buy or (credit adj card))	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:43
S82	192	audio and video and (charge or buy or (credit adj card)) and (communications or network)	EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/04/24 16:44
S83	56788	(digital adj3 (audio or video)) and (network or communication)	US-PGPUB; USPAT	OR	ON	2006/04/24 16:45
S84	2209	S83 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 16:45
S85	12261	(digital adj3 (audio or video)) and (network or communication) and (buy or charge or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S86	448	S85 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S87	5130	(digital adj3 (audio or video)) and (network or communication) and (buy or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S88	9207	(digital adj3 (audio or video)) and (network or communication) and (buy or purchase or (credit adj card))	US-PGPUB; USPAT	OR	ON	2006/04/24 17:06
S89	105	S88 and (@pn < "5200000")	US-PGPUB; USPAT	OR	ON	2006/04/24 17:40
S90	41	(real adj audio) and (bulletin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:40
S91	41	(real adj audio) and (bulletin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:40
S92	41	(real adj audio) and (bulletin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:41
S94	104	(bulletin adj board) and (download\$ near3 audio)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:42
S95	13	(bulletin adj board) and kermit	US-PGPUB; USPAT	OR	ON	2006/04/24 17:44
S96	3548	(bulletin adj board) and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:43
S97	204	(computer adj bulletin adj board)	US-PGPUB; USPAT	OR	ON	2006/04/24 17:44
S98	116	(computer adj bulletin adj board) and (audio and video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:12
S99	101	zmodem	US-PGPUB; USPAT	OR	ON	2006/04/25 13:12

EAST Search History

S10 0	33	zmodem and audio	US-PGPUB; USPAT	OR	ON	2006/04/25 13:13
S10 1	41	zmodem and video	US-PGPUB; USPAT	OR	ON	2006/04/25 13:14
S10 2	46	ymodem	US-PGPUB; USPAT	OR	ON	2006/04/25 13:14
S10 3	33	S102 and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:15
S10 4	159	xmodem	US-PGPUB; USPAT	OR	ON	2006/04/25 13:15
S10 5	82	S104 and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:17
S10 6	4094	download\$ adj5 (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 13:17
S10 7	39	S106 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/25 13:17
S10 8	32	("3263158" | "4529870" | "4658093" | "4924378" | "4932054" | "4937863" | "4953209" | "4961142" | "4977594" | "5010571" | "5014234" | "5023907" | "5047928" | "5050213" | "5058164" | "5103476" | "5113519" | "5146499" | "5159182" | "5191193" | "5204897" | "5235642" | "5247575" | "5260999" | "5263157" | "5291596" | "5339091" | "5432849" | "5438508" | "5504814" | "5530235").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/25 14:11
S10 9	1	("4636876").PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 14:44
S11 0	5	((("5428606") or ("5132992") or ("5130792") or ("4999806") or ("re35184")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 14:49
S11 1	7	((("3244809") or ("3696297") or ("3718906") or ("3824597") or ("3947882") or ("3990710") or ("4028733")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 14:51
S11 2	11	((("4124773") or ("4300040") or ("4335809") or ("4370649") or ("4422093") or ("4499568") or ("4506387") or ("4520404") or ("4521806") or ("4521857") or ("4586430")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 15:04
S11 3	12	((("4533948") or ("4536856") or ("4538176") or ("4567359") or ("4567512") or ("4605973") or ("4647989") or ("4648037") or ("4658093") or ("4667802") or ("4672613") or ("4674055")).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 15:05

EAST Search History

S11 4	12	((("4688105") or ("4703465") or ("4725977") or ("4739510") or ("4754483") or ("4755872") or ("4759060") or ("4761684") or ("4763317") or ("4766581") or ("4787050") or ("4789863"))).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 15:27
S11 5	12	((("4792849") or ("4797918") or ("4829372") or ("4894789") or ("4918588") or ("4949187") or ("5003384") or ("5019900") or ("5041921") or ("5089885") or ("5099422") or ("5191410"))).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 16:20
S11 6	7	compusonic	US-PGPUB; USPAT	OR	ON	2006/04/25 16:22
S11 7	5322	bbs and (audio or video)	US-PGPUB; USPAT	OR	ON	2006/04/25 16:33
S11 8	739	S117 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/25 16:33
S11 9	1661	bbs and (audio and video)	US-PGPUB; USPAT	OR	ON	2006/04/25 16:33
S12 0	95	S119 and @pn < "5300000"	US-PGPUB; USPAT	OR	ON	2006/04/25 17:05
S12 1	2	((("4870515") or ("4528643"))).PN.	US-PGPUB; USPAT	OR	OFF	2006/04/25 17:05
S12 2	40	(US-4694490-\$ or US-4649533-\$ or US-4567359-\$ or US-4500751-\$ or US-4893248-\$ or US-4890319-\$ or US-4789863-\$ or US-4852154-\$ or US-4837797-\$ or US-4792849-\$ or US-4071697-\$ or US-3718906-\$ or US-4710955-\$ or US-4665516-\$ or US-4829569-\$ or US-4849811-\$ or US-4924492-\$ or US-5130792-\$ or US-4538176-\$ or US-4300040-\$ or US-4521806-\$ or US-4124773-\$ or US-4829372-\$ or US-4916737-\$ or US-4623920-\$ or US-4866770-\$).did. or (US-4956768-\$ or US-4949187-\$ or US-4920432-\$ or US-4894789-\$ or US-4839745-\$ or US-5113518-\$ or US-4872151-\$ or US-4724521-\$ or US-5083271-\$ or US-4658093-\$ or US-4499568-\$ or US-4422093-\$ or US-5003384-\$ or US-4935870-\$).did.	USPAT	OR	ON	2006/04/26 08:38
S12 3	56	("3347988" | "3444324" | "3444550" | "3448216" | "3471648" | "3590381" | "3969680").PN. OR ("4124773").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:02
S12 4	14870	music and (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:28

EAST Search History

S12 5	165	S124 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:29
S12 6	36749	audio and video and (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:09
S12 7	373	S126 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:29
S12 8	7619	audio same video same (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:54
S12 9	82	S128 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:55
S13 0	1863	((audio or video) near5 (stored or store or storing)) near5 (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:09
S13 1	11	S130 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:10
S13 2	34	(disk adj streamer)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 09:58
S13 3	109	(audio and video and (hard adj (drive or disk))).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:10
S13 4	440	((hard adj (drive or disk)) and (audio or video)).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:11
S13 5	8	S134 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:21
S13 6	6078	((hard adj (drive or disk)) and (audio or video)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:12
S13 7	1784	((hard adj (drive or disk)) and (audio and video)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:20
S13 8	327	((hard adj (drive or disk)) near5 (audio and video)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:12
S13 9	2956	media near5 (hard adj (drive or disk))	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:21
S14 0	2442	media near5 (hard adj (drive or disk)).ab.	EPO; JPO; DERWENT	OR	ON	2006/04/26 10:21
S14 1	19496	media near5 (hard adj (drive or disk))	USPAT	OR	ON	2006/04/26 10:21

EAST Search History


S14 2	434	S141 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 3	163	S142 and (video or audio)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:50
S14 4	70	adlib	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:51
S14 5	90	jukebox and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 6	1431	library and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 7	0	S146 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 8	0	".wav" and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S14 9	534	"wav" and (sound adj card)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:53
S15 0	0	S149 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:57
S15 1	1269	(digital adj audio) same (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 10:56
S15 2	27	S151 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:16
S15 3	934	(compact adj disc adj player) and (hard adj (drive or disk))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:18
S15 4	41	S153 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 5	517	(compact adj disc adj player) and menu	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 6	30	S155 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:10

EAST Search History

S15 7	2921	(compact adj disc) and (artist or composer)	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 8	192	(compact adj disc) and (search near5 (artist or composer))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:21
S15 9	1	S158 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:39
S16 0	8	("3999050" | "4279022" | "4628193" | "4634845" | "4912640" | "4961158" | "5047614" | "Re32655").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:39
S16 1	12167	mpeg and (hard adj (disk or drive))	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 11:39
S16 2	1	S159 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 12:25
S16 3	22	"4870515"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 12:25
S16 4	52	(US-4694490-\$ or US-4649533-\$ or US-4567359-\$ or US-4500751-\$ or US-4893248-\$ or US-4890319-\$ or US-4789863-\$ or US-4852154-\$ or US-4837797-\$ or US-4792849-\$ or US-4071697-\$ or US-3718906-\$ or US-4710955-\$ or US-4665516-\$ or US-4829569-\$ or US-4849811-\$ or US-4924492-\$ or US-5130792-\$ or US-4538176-\$ or US-4300040-\$ or US-4521806-\$ or US-4124773-\$ or US-4829372-\$ or US-4916737-\$ or US-4623920-\$ or US-4866770-\$).did. or (US-4956768-\$ or US-4949187-\$ or US-4920432-\$ or US-4894789-\$ or US-4839745-\$ or US-5113518-\$ or US-4872151-\$ or US-4724521-\$ or US-5083271-\$ or US-4658093-\$ or US-4499568-\$ or US-4422093-\$ or US-5003384-\$ or US-4935870-\$ or US-4864301-\$ or US-4905003-\$ or US-5065345-\$ or US-5041921-\$ or US-5040110-\$ or US-5034980-\$ or US-5012334-\$ or US-4974178-\$ or US-4851931-\$ or US-4763207-\$ or US-4527262-\$ or US-4873589-\$).did.	USPAT	OR	ON	2006/04/26 14:09
S16 6	8	S164 and record.ab.	USPAT	OR	ON	2006/04/26 12:48

EAST Search History

S16 7	2799	video adj clips	USPAT	OR	ON	2006/04/26 14:09
S16 8	19	S167 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:14
S16 9	7	((download or downloading) adj3 video) and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:13
S17 0	343	videotext	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:13
S17 1	118	S170 and @pn < "5300000"	US-PGPUB; USPAT; USOCR	OR	ON	2006/04/26 14:14

Reexamination 	Application/Control No. 90/007,402	Applicant(s)/Patent Under Reexamination 5191573
	Certificate Date	Certificate Number

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

LITIGATION REVIEW <input checked="" type="checkbox"/>	r.g.f. <small>(examiner initials)</small>	9/5/06 <small>(date)</small>
Case Name	Director Initials	
See the litigation searches conducted on 4/15/06 and 3/7/05.	<i>mlubrat</i> <i>for Lissi Mojica Marguez</i>	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
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Index of Claims



Application/Control No.

90/007,403

Examiner

Roland G. Foster

Applicant(s)/Patent under Reexamination

5675734

Art Unit

3992

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date	
Final	Original		
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Notice of References Cited	Application/Control No. 90/007,403	Applicant(s)/Patent Under Reexamination 5675734	
	Examiner Roland G. Foster	Art Unit 3992	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,787,073	11-1988	Masaki, Naoki	369/178.01
*	B	US-5,535,137	07-1996	Rossmere et al.	358/537
*	C	US-5,241,428	08-1993	Goldwasser et al.	386/109
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"The History of Recordings", Recording Industry of Association, retrieved from http://www.riaa.com/issues/audio/hisotry.asp on September 19, 2006.
	V	"History of CD Technology", citing as a source "The compact Disc Handbook, 2nd Edition," by Ken C. Pohlmann, retrieved from http://www.oneoffcd.com/info/hisotrycd.cfm on September 19, 2006.
	W	"History of MPEG", University of California, Berkeley, School of Information Management and Systems, retrieved from http://www2.sims.berkeley.edu/courses/is224/s99/GroupG/report1.html on September 19, 2006.
	X	"IBM HDD Evolution" chart, by Ed Grochowski at Almaden, retrieved from http://www.soragereview.com/guidelimages/z_ibm_sorageevolution.gif on September 19, 2006.

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



DRINKER BIDDLE & REATH LLP

One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103
215-988-2700

FACSIMILE INFORMATION SHEET

FROM: Matthew P. McWilliams (215) 988-3381

TO: Examiner Roland Foster

FAX NO: (571) 273-9900

DATE: November 15, 2006

DOCUMENT NAME: Request for
Interview

NUMBER OF PAGES (INCLUDING COVER): 3

OUR FILE: 219099

IF YOU DO NOT RECEIVE THIS FAX DOCUMENT IN ITS
ENTIRETY, PLEASE CALL THE OPERATOR AT (215-988-2987)
DB&R FACSIMILE MACHINE
215-988-2757 or 2762

MESSAGE:

Dear Examiner Foster

Please find attached a formal Request for Interview for November 16, 2006. If you have any questions whatsoever, please feel free to contact Bob Koons, (215) 988-3392 or myself (215) 988-3381.

Regards, Matthew McWilliams

ORIGINAL WILL: FOLLOW NOT FOLLOW

The pages that follow are confidential and/or privileged. They are intended solely for the person to whom this cover sheet is addressed. Any review, reproduction or retransmission of such material by any person other than such addressee is unauthorized. If this cover sheet and the pages which follow have been received at your location in error, please notify the operator by telephone (collect) at the number set forth above and return the material by U.S. First Class Mail without inspection. We will reimburse your postage. Thank you for your cooperation.

PHIP2955244

PTOL-413A (09-04)
 Approved for use through 07/31/2006. OMB 0851-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

90/007,402; ~~90/007,403~~
 Application No.: ~~90/007,407~~ First Named Applicant: Arthur Hair
 Examiner: Roland Foster Art Unit: _____ Status of Application: Reexamination

Tentative Participants:
 (1) Robert A. Koons (2) Michael R. Casey
 (3) _____ (4) _____

Proposed Date of Interview: 11/16/06 Proposed Time: 1:00 (AM/PM)

Type of Interview Requested:
 (1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO
 If yes, provide brief description: See attached

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>All</u>	<u>All</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached

Brief Description of Arguments to be Presented:
All claims are entitled to June 13, 1988 filing date. References that are appropriate prior art do not disclose novel features of invention.

An interview was conducted on the above-identified application on _____
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

Robert A. Koons
 Typed/Printed Name of Applicant or Representative

32,474
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attachment to Request for Interview

Summary of Exhibits to be Presented

- Claim charts demonstrating that the issue of alleged new matter was considered by and passed on by Examiner in original examination of patents in reexamination.
- Claim charts showing that each and every limitation of claims currently in reexamination has support in the specification filed on June 13, 1988.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,403	01/31/2005	5675734	NAPSP002	3002

23973 7590 11/16/2006

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/16/2006

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

11/21/06

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

ALBERT S. PENILA
MARTINE PENILLA & GENCARELLA LLP
710 LAKEWAY DRIVE, SUITE 200
SUNNYVALE, CA 94085

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO 90/007403
PATENT NO. 5,675,734
ART UNI 3992

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	C ntr IN . <u>90/007,403</u>	Patent Under Reexamination
	90/007,402 <u>90/007,403</u>	5191573 <u>5675734</u> 5966440
Examiner	Art Unit	
Roland G. Foster	3992	R.C.F. 11/16/06

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

(1) Roland G. Foster

(3) ROBERT A. KOONS

(2) TODD DICKINSON

(4) MICHAEL R. CASEY, PH.D.

Date of Interview: 11/16/06

ANDREW KASHIKOW
CLAYTON LABALLE

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: N/A

Identification of prior art discussed: N/A

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
PATENT OWNER'S REPRESENTATIVES DISCUSSED PRIORITY AND I12 ISSUES AND STRATEGIES TO OVERCOME THEM. IN ADDITION, POSSIBLE AMENDMENTS WERE DISCUSSED.
(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.)

SEE THE ATTACHED CHARTS FOR ADDITIONAL DETAILS.

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).**



cc: Requester (if third party requester)

Examiner's signature, if required

	Parent Application 07/206,497 filed June 13, 1988		Child Application 07/586,391 filed September 18, 1990		Office Action in Application 07/586,391 and response		Issuance of '573 Patent
Feature	Date First Appearing in Claims of Parent Application	Date First Appearing in Specification of Parent Application	Date First Appearing in Claims of Child Application	Date First Appearing in Specification of Child Application	Consideration by Examiner Nguyen	Response by Applicant	Subsequent Action by Examiner Nguyen
Transferring Money from Second Party to a First Party (Charging a Fee)	December 22, 1988 February 28, 1990			September 18, 1990	Considered in Office Action February 24, 1992	Objection specifically responded to in June 25, 1992 response	Claims allowed in September 21, 1992 Office Action
Providing a Credit Card Number	December 22, 1988			September 18, 1990	Considered in Office Action February 24, 1992	Objection specifically responded to in June 25, 1992 response	Claims allowed in September 21, 1992 Office Action
Controlling Use of First/Second Memory	December 22, 1988			September 18, 1990	Considered in Office Action February 24, 1992	Objections responded to in June 25, 1992 response	Claims allowed in September 21, 1992 Office Action
Transmitting to a Location Determined by Second Party	February 28, 1990			September 18, 1990	Considered in Office Action February 24, 1992	Objection responded to June 25, 1992	Claims allowed in September 21, 1992 Office Action
Specific Video Download Procedures	February 28, 1990			September 18, 1990	No new matter issues were ever raised	No response was ever necessary since no issue was ever raised	Claims allowed in September 21, 1992 Office Action
First Party in Possession of Transmitter	August 24, 1990 (not entered)			September 18, 1990	Considered in Office Action February 24, 1992	Objections responded to in June 25, 1992 response	Claims allowed in September 21, 1992 Office Action

ATTACHMENT TO 96/007,903

36 PAGES

Second Party in Possession of Receiver and Second Memory	August 24, 1990 (not entered)			September 18, 1990	Considered in Office Action February 24, 1992	Objection specifically responded to in June 25, 1992 response	Claims allowed in September 21, 1992 Office Action
--	-------------------------------	--	--	--------------------	---	---	--

Claim Features of '440 Patent

Feature	Claims Reciting Feature	Written Description of Feature in Original Specification	Comments
A method/system for transferring desired digital video or digital audio signals	1-63	p. 1, lns. 13-15 p. 2, lns. 8-10, 20-26 (video) p. 5, lns. 36-43	<i>ipsis verbis</i>
forming a connection through telecommunications lines between a first memory of a first party and a second memory of a second party control unit of a second party	1-22, 25-28, 36-46, 58-63	p. 3, lns. 35-40	<i>ipsis verbis</i>
first memory having desired digital video or digital audio signals	1-21, 25-28, 42-57, 62, 63	p. 3, lns. 35-37	<i>ipsis verbis</i>
selling electronically by the first party to the second party through telecommunications lines	1-22, 25-28, 40, 42-45	p. 2, lns. 47-52 p. 3, lns. 35-40	<i>ipsis verbis</i>
transferring the desired digital video or digital audio signals from the first memory of the first party to the second memory of the second party control unit of the second party through telecommunications lines	1-21, 25-28, 36-40, 42-46, 62-63	p. 2, ln. 47-52 p. 3, lns. 35-40 Fig. 1	<i>ipsis verbis</i>

the second party control unit with the second memory is in possession and control of the second party	1-41, 46-52, 62	p. 3, Ins. 26-33, 40-43	The as filed original specification includes <i>ipsis verbis</i> support for a second party control unit, where the user is the second party. A skilled artisan would readily recognize that the second memory is in possession and control of the second party, since the specification as originally filed states throughout that the user can store, sort and play thousands of songs from the user unit. A skilled artisan would clearly understand that this means the second party controls and possesses the second party control unit. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.
playing through speakers of the second party control unit the digital video or digital audio signals in the second memory	1-10, 11, 22, 36-46, 63	p. 2, Ins. 26-32	<i>ipsis verbis</i>
speakers of the second party control unit connected with the second memory of the second party control unit	1-10, 28, 35, 62	p. 3, Ins. 25-32 p. 4, Ins. 47-50 Fig. 1	<i>ipsis verbis</i>

<p>first control unit in possession and control of first party</p>	<p>24, 31-35</p>	<p>p. 2, Ins. 38-43 p. 3, Ins. 35-49</p>	<p>The as filed original specification includes <i>ipsis verbis</i> support for a first party control unit, where the authorized agent is the first party. A skilled artisan would readily recognize that the first party control unit is in possession and control of the first party because as an "agent authorized to electronically sell and distribute" digital audio or digital video, the first party would necessarily have to possess and control the source of the digital audio and digital video. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.</p>
<p>second party location remote from the first party location, determined by the second party</p>	<p>2-63</p>	<p>p. 2, Ins. 47-50 p. 3, Ins. 20-40 Fig. 1 p. 4, Ins. 21-23</p>	<p>The original as filed specification states throughout that digital audio or digital video signals are sold and transferred via telephone lines. A skilled artisan would readily understand this to comprehend transfers between two remote locations. Since the second party possesses the second memory the second party can determine its location. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.</p>

charging a fee via telecommunications lines by the first party to the second party	2-10, 19-21, 36-40, 43-45, 47-63	p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 47-50 p. 3, Ins. 20-33 Fig. 1	The specification discloses electronic sales via telephone lines. Because the agent is authorized to sell and to transfer via telephone lines, there is implicitly support for selling and thereby charging a fee. This was previously pointed out in the declaration of Arthur Hair submitted December 30, 1993.
second party has an account, charging the account of the second party Possibly Amend to: "Charging the second party"	3-10, 20-21, 38-40, 44-45, 56-57, 60-61	p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 47-50 p. 3, Ins. 20-33 Fig. 1	The specification discloses electronic sales via telephone lines. A skilled artisan would readily recognize that charging a fee via telecommunications lines would include the second party having an account that can be charged. This was previously pointed out in the declaration of Arthur Hair submitted December 30, 1993.
telephoning the first party controlling use of the first memory by the second party Possibly Amend to: "establishing telephone communications between the first memory and the second memory"	4-10, 39-40, 45, 57, 61	p. 2, Ins. 47-50 p. 3, Ins. 20-40 Fig. 1 p. 4, Ins. 21-23	The original as filed specification states throughout that digital audio or digital video signals are sold and transferred via telephone lines. A skilled artisan would readily recognize this as comprehending the telephoning of the first party by the second party to initiate a transaction. This was addressed previously in the declaration of Arthur Hair submitted May 5, 1992.

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	4-10, 21, 39-40, 45, 61	p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 38-52 p. 3, Ins. 12-15, 35-37	The original as filed specification states throughout that the invention provides for electronic sales of digital audio or digital video signals. A skilled artisan would readily recognize credit card sales as being comprehended within electronic sales. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.
storing the desired digital video or digital audio signals in the second memory	5-10, 22, 36-41	p. 2, Ins. 23-27	<i>ipsis verbis</i>
electronically coding the desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital audio signals	6-8	p. 2, Ins. 17-19 p. 4, Ins. 15-20	<i>ipsis verbis</i>
first memory includes first party hard disk	7-8, 13, 14, 27-28, 34-35, 49-54	p. 4, Ins. 5-6 p. 3, ln. 19 Fig. 1	<i>ipsis verbis</i>
second party can view desired digital video signals	58-61	p. 5, Ins. 36-43 p. 3, Ins. 26-33	The as filed original specification has <i>ipsis verbis</i> support for a video display. Since the specification explicitly says that the invention is applicable to video, a skilled artisan would recognize that a user could view the desired video signals on the video display.

second party can listen to the desired digital audio signals	63	p. 4, Ins. 27-28, 36-50	<i>ipsis verbis</i>
first memory includes a sales random access memory chip	7-8, 13-18, 25-28, 49-54	p. 3, Ins. 19-24 Fig. 1	<i>ipsis verbis</i>
second party control unit includes second memory	48-54	p. 3, Ins. 26-30 Fig. 1	The as filed original specification has <i>ipsis verbis</i> support for a second party control unit. A skilled artisan would readily understand that the second party hard disk corresponds to a second memory.
second party control unit has a second party control panel	8, 12-21, 25-28, 32-35, 47-57	p. 3, Ins. 26-27 Fig. 1	<i>ipsis verbis</i>
second party control panel connected to the second party integrated circuit	8, 16-18, 25-28, 32-35, 52-54	p. 3, Ins. 26-28 Fig. 1	<i>ipsis verbis</i>
second memory of the second party control unit includes an incoming random access memory chip	9-10, 17-18, 25-28, 32-35, 53-54	p. 3, ln. 26-29 Fig. 1	<i>ipsis verbis</i>
second memory of the second party control unit includes a second party hard disk for storing the desired digital video or digital audio signals	9-10, 12-21, 25-28, 34-35, 50-54	p. 3, Ins. 26-31 Fig. 1	<i>ipsis verbis</i>

second memory of the second party control unit includes a playback random access memory chip for temporarily storing the desired digital video or digital audio signals for sequential playback	9-10, 25-28, 32-35, 50-54	p. 3, lns. 26-30 p. 4, lns. 39-50 Fig. 1	<i>ipsis verbis</i>
a first party control unit having a first memory	12-21, 25-28	p. 3, lns. 20-24 Fig. 1	<i>ipsis verbis</i>
second party control unit having means or a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel	12-35	p. 3, lns. 26-33 Fig. 1	The as filed original specification has <i>ipsis verbis</i> support for speakers and video display which are means for playing.
first party control integrated circuit connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines	15-18, 25-28, 32-35, 51-54	p. 3, lns. 20-33 Fig. 1	<i>ipsis verbis</i>

second party control integrated circuit connected to the second party hard disk, the playback random access memory, and the first party control integrated circuit through the telecommunications lines	16-18, 25-28, 52-54	p. 3, Ins. 20-33 Fig. 1	<i>ipsis verbis</i>
first party control integrated circuit and second party control integrated circuit regulate the transfer of the desired digital video or digital audio signals	13-18, 25-28	p. 4, Ins. 15-20	<i>ipsis verbis</i>
first party control panel connected to the first party control integrated circuit	15-18, 25-28, 51-54	p. 3, Ins. 20-24 Fig. 1	<i>ipsis verbis</i>
incoming random access memory chip connected to the second party hard drive and the second party control integrated circuit, and the first party control unit through the telecommunications lines	17-18, 25-28, 53-54	p. 3, Ins. 20-33 Fig. 1	<i>ipsis verbis</i>
second party control unit includes a video display unit and/or speakers	18, 25-28, 35, 47-61	p. 3, Ins. 26-33 Fig. 1	<i>ipsis verbis</i>

second party control unit having a receiver, second memory connected to the receiver	22, 41, 47-56, 58-60	p. 2, Ins. 47-49 p. 3, Ins. 35-38 p. 4, Ins. 24-26	A skilled artisan would readily recognize in order to receive digital audio or digital video signals over telecommunications lines as disclosed throughout the specification, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.
second party financially distinct from the first party	22, 41	p. 2, Ins. 8-16, 20-27, 38-52 p. 35-49	Throughout the specification discloses electronic sales of digital video or digital audio signals. A skilled artisan would readily recognize that the first and second parties would be financially distinct since this is required in order to have a sale. This issue was previously addressed in the affidavit of Arthur Hair filed on May 5, 1992.
first memory with a transmitter in control and possession of the first party	22-24, 29-35, 41, 58-61, 63	p. 1, Ins. 10-12 p. 2, Ins. 8-10, 20-26, 47-52 p. 3, Ins. 20-25 p. 4, Ins. 21-23	The as filed original specification has <i>ipsis verbis</i> support for electronic distribution via telecommunications lines. A skilled artisan would readily recognize that this requires transmission of those signals, where the telecommunications lines act as the transmitter.

<p>receiver is in possession and control of the second party</p>	<p>22-24, 29-35, 41, 58-61, 63</p>	<p>p. 2, Ins. 47-49 p. 3, Ins. 35-38 p. 4, Ins. 24-26</p>	<p>A skilled artisan would readily recognize in order to receive digital audio or digital video signals over telecommunications lines as disclosed throughout the specification, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992. A skilled artisan would readily recognize that the receiver is in possession and control of the second party, since the specification as originally filed states throughout that the user can store, sort and play thousands of songs from the user unit. A skilled artisan would clearly understand that this means the second party controls and possesses the second party control unit. This was previously pointed out in the declaration of Arthur Hair submitted December 30, 1993.</p>
<p>means or mechanism for transferring money electronically via telecommunications lines from the second party to the first party controlling use of the first memory</p>	<p>23-24, 30-35</p>	<p>p. 1, Ins. 10-12 p. 2, Ins. 8-10, 20-26, 47-52 p. 3, Ins. 20-25 p. 4, Ins. 21-23</p>	<p>The as filed original specification has <i>ipsis verbis</i> support for electronic sales via telecommunications lines. A skilled artisan would readily recognize that electronic sales via telecommunications lines would include the transfer of money via telecommunications lines. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.</p>

second party choosing desired digital video or digital audio from first memory with second party control panel	47-63	p. 2, Ins. 8-16, 20-27, 38-52 p. 35-49	Throughout the specification discloses electronic sales of digital video or digital audio signals. A skilled artisan would readily recognize that this includes the selection of individual desired signals by the purchaser.
means or mechanism for connecting electronically via telecommunications lines the first memory with the second memory	23-24, 29-35	p. 4, Ins. 15-20 Fig. 1	A skilled artisan would readily recognize from the specification that the first memory would include a means for connecting to the second memory via the disclosed telephone lines.
means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to a receiver having the second memory	23-24, 29-35	p. 1, Ins. 10-12 p. 2, Ins. 8-10, 20-26, 47-52 p. 3, Ins. 20-25 p. 4, Ins. 21-23	The as filed original specification has <i>ipsis verbis</i> support for electronic distribution via telecommunications lines. A skilled artisan would readily recognize that this requires transmission of those signals, where the telecommunications lines act as the transmitter. A skilled artisan would also readily recognize in order to receive digital audio or digital video signals over telecommunications lines, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.

means or a mechanism for storing the digital video or digital audio signals in the second memory	23-24, 29-35	p. 3, lns. 26-31 p. 4, lns. 15-20 Fig. 1	The second party control unit includes a second party control integrated circuit which regulates the transfer of the digital audio and digital video signals. A skilled artisan would readily recognize that the second party integrated circuit regulates storage of the digital audio or digital video signals.
playing means or mechanism connected to the second memory	23-24, 29-35	p. 3, lns. 26-33 p. 4, lns. 39-50 Fig. 1	<i>ipsis verbis</i>
second memory connected to receiver and video display	48-54, 58-61	p. 3, lns. 26-33 p. 4, lns. 39-50 Fig. 1	The as filed original specification has <i>ipsis verbis</i> support for a video display connected to the second memory. A skilled artisan would also readily recognize in order to receive digital audio or digital video signals over telecommunications lines, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.
telecommunications lines include telephone lines	26-28, 33-35	p. 3, ln. 25 Fig. 1	<i>ipsis verbis</i>
incurring a fee by second party to first party for use of telecommunication lines, the desired digital video or audio signal in first memory	46		(CANCEL)

Claim Features of '573 Patent

Feature	Claims Reciting Feature	Written Description of Feature in Original Specification	Comments
A method for transmitting a desired digital audio signal	1	p. 1, lns. 7-9 p. 2, lns. 8-10, 20-26	<i>ipsis verbis</i>
stored on a first memory of a first party to a second memory of a second party	1, 4	p. 3, lns. 35-40 p. 4, lns. 12-26	The specification states <i>ipsis verbis</i> that the hard disk in the control unit of the authorized agent is the source of the digital signal. Further, the specification states that the digital signal is transferred to the hard disk in the control unit of the user. A skilled artisan would understand this as transferring signals stored on a first memory to a second memory.
transferring money via a telecommunications line to a first party location remote from the second memory	1, 4	p. 1, lns. 13-15 p. 2, lns. 8-10, 20-23, 47-50 p. 3, lns. 20-33 Fig. 1	The specification discloses electronic sales via telephone lines. Because the agent is authorized to sell and to transfer via telephone lines, there is implicitly support for selling and thereby transferring money. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992. A skilled artisan would readily understand this to comprehend transfers between two remote locations.

second party financially distinct from the first party	1, 4	p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 47-50 p. 3, Ins. 20-33	A skilled artisan would readily recognize that a sale requires the parties to be financially distinct. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.
second party controlling use and in possession of the second memory	1, 3	p. 3, Ins. 26-33, 40-43	The as filed original specification includes <i>ipsis verbis</i> support for a second party control unit, where the user is the second party. A skilled artisan would readily recognize that the second memory is in possession and control of the second party, since the specification as originally filed states throughout that the user can store, sort and play thousands of songs from the user unit. A skilled artisan would clearly understand that this means the second party controls and possesses the second party control unit. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.
connecting electronically via a telecommunications line the first memory with the second memory	1, 4	p. 3, Ins. 35-40	<i>ipsis verbis</i>

<p>transmitting the desired digital audio signal from the first memory with a transmitter in control and possession of the first party</p>	<p>1</p>	<p>p. 2, ln. 47-52 p. 3, lns. 35-40 Fig. 1</p>	<p>The as filed original specification has <i>ipsis verbis</i> support transmitting a desired digital audio signal and that the hard disk in the control unit of the authorized agent is the source. A skilled artisan would recognize that in order to regulate distribution of the signals the authorized agent would have to possess and control the transmitter. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.</p>
<p>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</p>	<p>1, 4</p>	<p>p. 2, lns. 47-50 p. 3, lns. 20-40 Fig. 1 p. 4, lns. 21-23</p>	<p>A skilled artisan would readily recognize in order to receive digital signals over telecommunications lines as disclosed throughout the specification, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992. A skilled artisan would also readily understand this to comprehend transfers between two remote locations. Since the second party possesses the second memory the second party can determine its location. This was addressed previously in the declaration of Arthur Hair submitted May 5, 1992.</p>

storing the digital audio signal in the second memory	1	p. 2, Ins. 23-27	<i>ipsis verbis</i>
searching the first memory for the desired digital audio signal	2	p. 3, Ins. 35-40 p. 4, Ins. 12-28	The as filed original specification has <i>ipsis verbis</i> support for electronic sales and electronic transfer of digital signals from a control unit of an authorized agent to a control unit of a user. A skilled artisan would readily recognize that this would include searching the hard disk of the first party to locate desired digital signals for purchase.
selecting the desired digital audio signal from the first memory	2	p. 3, Ins. 35-40 p. 4, Ins. 12-28	The as filed original specification has <i>ipsis verbis</i> support for electronic sales and electronic transfer of digital signals from a control unit of an authorized agent to a control unit of a user. A skilled artisan would readily recognize that this would include selecting desired digital signals from the hard disk of the first party for purchase.

<p>telephoning the first party controlling use of the first memory by the second party</p>	<p>3, 6</p>	<p>p. 2, Ins. 47-50 p. 3, Ins. 20-40 Fig. 1 p. 4, Ins. 21-23</p>	<p>The original as filed specification states throughout that digital audio or digital video signals are sold and transferred via telephone lines. A skilled artisan would readily recognize this as comprehending the telephoning of the first party by the second party to initiate a transaction. This was addressed previously in the declaration of Arthur Hair submitted May 5, 1992.</p>
<p>providing a credit card number of the second party to the first party so that the second party is charged money</p>	<p>3, 6</p>	<p>p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 38-52 p. 3, Ins. 12-15, 35-37</p>	<p>The original as filed specification states throughout that the invention provides for electronic sales of digital audio or digital video signals. A skilled artisan would readily recognize credit card sales as being comprehended within electronic sales. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.</p>

<p>first party controlling the first memory</p>	<p>3, 6</p>	<p>p. 2, Ins. 38-43 p. 3, Ins. 35-49</p>	<p>The as filed original specification includes <i>ipsis verbis</i> support for a first party control unit, where the authorized agent is the first party. A skilled artisan would readily recognize that the first party control unit is in possession and control of the first party because as an "agent authorized to electronically sell and distribute" digital audio or digital video, the first party would necessarily have to possess and control the source of the digital audio and digital video. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992.</p>
<p>A method for transmitting a desired digital video signal</p>	<p>4</p>	<p>p. 5, Ins. 36-43</p>	<p><i>ipsis verbis</i></p>

<p>transmitting the desired digital video signal from the first memory with a transmitter in control and possession of the first party</p>	<p>4</p>	<p>p. 5, Ins. 36-43 p. 2, In. 47-52 p. 3, Ins. 35-40 Fig. 1</p>	<p>The as filed original specification has <i>ipsis verbis</i> support transmitting a desired digital audio signal and that the hard disk in the control unit of the authorized agent is the source. A skilled artisan would recognize that in order to regulate distribution of the signals the authorized agent would have to possess and control the transmitter. This was previously pointed out in the declaration of Arthur Hair submitted May 5, 1992. A skilled artisan would recognize based on the disclosure at the end of the specification that this procedure could also be used for digital video.</p>
<p>storing the digital video signal in the second memory</p>	<p>4</p>	<p>p. 5, Ins. 36-43 p. 2, Ins. 23-27</p>	<p>The as filed original specification has <i>ipsis verbis</i> support for storing digital signals on the hard disk of the user control unit. A skilled artisan would recognize based on the disclosure at the end of the specification that this procedure could also be used for digital video.</p>

<p>searching the first memory for the desired digital video signal</p>	<p>5</p>	<p>p. 3, Ins. 35-40 p. 4, Ins. 12-28 p. 5, Ins. 36-43</p>	<p>The as filed original specification has <i>ipsis verbis</i> support for electronic sales and electronic transfer of digital signals from a control unit of an authorized agent to a control unit of a user. A skilled artisan would readily recognize that this would include searching the hard disk of the first party to locate desired digital signals for purchase. A skilled artisan would recognize based on the disclosure at the end of the specification that this procedure could also be used for digital video.</p>
<p>selecting the desired digital video signal from the first memory</p>	<p>5</p>	<p>p. 3, Ins. 35-40 p. 4, Ins. 12-28 p. 5, Ins. 36-43</p>	<p>The as filed original specification has <i>ipsis verbis</i> support for electronic sales and electronic transfer of digital signals from a control unit of an authorized agent to a control unit of a user. A skilled artisan would readily recognize that this would include selecting desired digital signals from the hard disk of the first party for purchase. A skilled artisan would recognize based on the disclosure at the end of the specification that this procedure could also be used for digital video.</p>

Claim Features of '734 Patent

Feature	Claims Reciting Feature	Written Description of Feature in Original Specification	Comments
A method/system for transferring desired digital video or digital audio signals	1-34	p. 1, Ins. 7-9 p. 2, Ins. 8-10, 20-26 (video) p. 5, Ins. 36-43	<i>ipsis verbis</i>
forming a connection through telecommunications lines between a first memory of a first party and a second memory of a second party	1	p. 3, Ins. 35-40	<i>ipsis verbis</i>
first party location and second party location remote from the first party location, the second party location determined by the second party	1, 4, 11, 16, 19, 26	p. 2, Ins. 47-50 p. 3, Ins. 20-40 Fig. 1 p. 4, Ins. 21-23	The original as filed specification states throughout that digital audio or digital video signals are sold and transferred via telephone lines. A skilled artisan would readily understand this to comprehend transfers between two remote locations. Since the digital audio or digital video signals are transferred to the user's (second party's) control unit, a skilled artisan would readily understand that the second party can determine the second location.
the first party memory having a first party hard disk having a plurality of digital video or digital audio signals, including coded digital video or digital audio signals	1, 4, 16	p. 3, Ins. 35-37	<i>ipsis verbis</i>

the first memory having a sales random access memory chip	1	p. 3, Ins. 19-24 Fig. 1	<i>ipsis verbis</i>
telephoning the first party controlling the first memory by the second party Possibly Amend to: "establishing telephone communications between the first memory and the second memory"	1	p. 2, Ins. 47-50 p. 3, Ins. 20-40 Fig. 1 p. 4, Ins. 21-23	The original as filed specification states throughout that digital audio or digital video signals are sold and transferred via telephone lines. A skilled artisan would readily recognize this as comprehending the telephoning of the first party by the second party to initiate a transaction. This was addressed previously in the declaration of Arthur Hair submitted May 5, 1992.
providing a credit card number of the second party to the first party so that the second party is charged money	1	p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 38-52 p. 3, Ins. 12-15, 35-37	The original as filed specification states throughout that the invention provides for electronic sales of digital audio or digital video signals. A skilled artisan would readily recognize credit card sales as being comprehended within electronic sales. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.
electronically coding the digital video or digital audio signals to form coded digital audio signals into a configuration that would prevent unauthorized reproduction	1	p. 2, Ins. 17-19 p. 4, Ins. 15-20	<i>ipsis verbis</i>

storing a replica of the coded desired digital video or digital audio signals from the hard disk to the sales random access memory chip	1	p. 4, lns. 15-23	<i>ipsis verbis</i>
transferring the stored replica of the coded desired digital video or digital audio signal from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party	1, 4	p. 4, lns. 15-23 p. 4, ln. 35 to p. 5, ln. 21	The original as filed specification includes <i>ipsis verbis</i> support for storing a replica of the coded desired digital audio or digital video signal to the first party sales random access memory, then transferring it to the memory of the second party. A skilled artisan would readily recognize that the second memory is in possession and control of the second party, since the specification as originally filed states throughout that the user can store, sort and play thousands of songs from the user unit. A skilled artisan would clearly understand that this means the second party controls and possesses the second memory. This was previously addressed in the declaration of Arthur Hair filed May 5, 1992.
storing the transferred digital video or digital audio signals in the second memory	1	p. 2, lns. 23-27	<i>ipsis verbis</i>

a second party integrated circuit which controls and executes commands of the second party connected to a second party control panel	2	p. 3, Ins. 26-28 p. 4, Ins. 15-20 Fig. 1	<i>ipsis verbis</i>
commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk	2	p. 4, Ins. 12-20	(CANCEL)
the second memory includes a second party hard disk and an incoming random access memory chip	3, 5, 8, 13, 16, 21, 30	p. 3, Ins. 26-31 Fig. 1	<i>ipsis verbis</i>
the second memory includes a playback random access memory chip	3, 5, 16, 21, 30	p. 3, Ins. 26-30 p. 4, Ins. 39-50 Fig. 1	<i>ipsis verbis</i>
playing the desired digital video or digital audio signal from the second party hard disk	3	p. 2, Ins. 26-32	<i>ipsis verbis</i>

<p>a first party control unit (in possession and control of the first party)</p>	<p>4, 11, 16, 19, 26, 28</p>	<p>p. 2, Ins. 38-43 p. 3, Ins. 35-49</p>	<p>The as filed original specification includes <i>ipsis verbis</i> support for a first party control unit, where the authorized agent is the first party. A skilled artisan would readily recognize that the first party control unit is in possession and control of the first party because as an "agent authorized to electronically sell and distribute" digital audio or digital video, the first party would necessarily have to possess and control the source of the digital audio and digital video.</p>
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<p>a second party control unit (in possession and control of the second party)</p>	<p>4, 11, 16, 19, 26, 28</p>	<p>p. 2, Ins. 38-43 p. 3, Ins. 35-49</p>	<p>The as filed original specification includes <i>ipsis verbis</i> support for a second party control unit, where the user is the second party. A skilled artisan would readily recognize that the second memory is in possession and control of the second party, since the specification as originally filed states throughout that the user can store, sort and play thousands of songs from the user unit. A skilled artisan would clearly understand that this means the second party controls and possesses the second party control unit. This was previously addressed in the declaration of Arthur Hair filed May 5, 1992.</p>
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the first party control unit has a first party hard disk, a sales random access memory chip, and means or mechanism for electronically selling desired digital video or digital audio signals	4, 11, 19, 26, 28	p. 2, Ins. 8-10 p. 3, Ins. 20-40 Fig. 1	The as filed original specification has <i>ipsis verbis</i> support for a first party control unit with a hard disk, and sales random access memory chip. A skilled artisan would readily recognize that the first party control unit would include a means or mechanism for executing an electronic sale because the electronic sale is described in the original specification as separate from electronic transfer and electronic distribution.
the second party control unit has a second memory connected to the second party control panel	4, 19, 21, 26, 28	p. 3, Ins. 26-31 Fig. 1	The as filed original specification has <i>ipsis verbis</i> support for a control panel connected to the second party control unit. A skilled artisan would readily understand that the second party hard disk corresponds to a second memory.
the second party control unit has means for playing desired digital video or digital audio signals connected to and controlled by the second party control panel	4, 28	p. 3, Ins. 26-33 Fig. 1	<i>ipsis verbis</i>
selling digital video or digital audio signals through telecommunications lines	4	p. 2, Ins. 8-10, Ins. 47-50	<i>ipsis verbis</i>

the first party control unit includes a first party control integrated circuit connected to the first party hard disk, the sales random access memory and the second party control panel through telecommunications lines	4, 6, 11, 16, 19, 22, 26, 28, 31,	p. 3, Ins. 20-33 Fig. 1	<i>ipsis verbis</i>
the first party control unit includes a first party control panel connected to and through which the first party control integrated circuit is programmed	6, 11, 16, 22, 31	p. 3, Ins. 20-24 p. 4, Ins. 12-14 Fig. 1	<i>ipsis verbis</i>
the second party control unit includes a second party control integrated circuit connected to the second party hard disk, the playback random access memory and the first party control integrated circuit	7, 11, 16, 23, 32	p. 3, Ins. 20-33 p. 4, Ins 15-20 Fig. 1	<i>ipsis verbis</i>
the second party control integrated circuit and the first party control integrated circuit regulate the transfer of desired digital video or digital audio signals	7, 22, 23, 31, 32	p. 4, Ins. 15-20	<i>ipsis verbis</i>
the second party control unit includes a second party control panel connected to and through which the second party control integrated circuit is programmed	7, 16, 19, 23, 26, 28, 32	p. 3, Ins. 26-28 p. 4, Ins. 12-14 Fig. 1	<i>ipsis verbis</i>

the playing means of the second party control unit includes a video display	9, 14, 18, 19, 25, 34	p. 3, Ins. 26-33 p. 5, Ins. 9-21 Fig. 1	<i>ipsis verbis</i>
the telecommunications lines include telephone lines	10, 11, 12, 15, 17, 20, 27, 29	p. 3, In. 25 Fig. 1	<i>ipsis verbis</i>
means or mechanism for transferring money electronically via telecommunications lines from the second party to the first party	11, 16, 19	p. 1, Ins. 10-12 p. 2, Ins. 8-10, 20-26, 47-52 p. 3, Ins. 20-25 p. 4, Ins. 21-23	The as filed original specification has <i>ipsis verbis</i> support for electronic sales via telecommunications lines. A skilled artisan would readily recognize that electronic sales via telecommunications lines would include the transfer of money via telecommunications lines. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.
means or mechanism for the first party to charge a fee to the second party and granting access to desired digital video or digital audio signals	16, 19, 26	p. 1, Ins. 13-15 p. 2, Ins. 8-10, 20-23, 47-50 p. 3, Ins. 20-33 Fig. 1	The specification discloses electronic sales via telephone lines. Because the agent is authorized to sell and to transfer via telephone lines, there is implicitly support for selling and thereby charging a fee. This was previously pointed out in the declaration of Arthur Hair submitted December 30, 1993.


means or mechanism for connecting electronically via telecommunications lines the first memory with the second memory	11, 16,	p. 4, Ins. 15-20 Fig. 1	A skilled artisan would readily recognize from the specification that the first memory would include a means for connecting to the second memory via the disclosed telephone lines.
the second party control unit includes an incoming random access memory	11, 16, 24, 33	p. 3, Ins. 26-29 Fig. 1	<i>ipsis verbis</i>
means or mechanism for transmitting desired digital video or digital audio signals	11, 16, 26, 28	p. 1, Ins. 10-12 p. 2, Ins. 8-10, 20-26, 47-52 p. 3, Ins. 20-25 p. 4, Ins. 21-23	The as filed original specification has <i>ipsis verbis</i> support for electronic distribution via telecommunications lines. A skilled artisan would readily recognize that this requires transmission of those signals, where the telecommunications lines act as the transmitter. A skilled artisan would also readily recognize in order to receive digital audio or digital video signals over telecommunications lines, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.

<p>a transmitter connected to the first memory and the telecommunications lines, the first party in possession and control of the transmitter</p>	<p>11, 16</p>	<p>p. 1, Ins. 10-12 p. 2, Ins. 8-10, 20-26, 47-52 p. 3, Ins. 20-25 p. 4, Ins. 21-23</p>	<p>The as filed original specification has <i>ipsis verbis</i> support for electronic distribution via telecommunications lines. A skilled artisan would readily recognize that this requires transmission of those signals, where the telecommunications lines act as the transmitter.</p>
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<p>a receiver connected to the second memory and the telecommunications lines, the second party in possession and control of the receiver</p>	<p>11, 16, 19, 26</p>	<p>p. 2, Ins. 47-49 p. 3, Ins. 35-38 p. 4, Ins. 24-26</p>	<p>A skilled artisan would readily recognize in order to receive digital audio or digital video signals over telecommunications lines as disclosed throughout the specification, part of the second party control unit would act as a receiver. This was addressed previously in the affidavit of Arthur Hair dated May 5, 1992.</p> <p>A skilled artisan would readily recognize that the receiver is in possession and control of the second party, since the specification as originally filed states throughout that the user can store, sort and play thousands of songs from the user unit. A skilled artisan would clearly understand that this means the second party controls and possesses the second party control unit. This was previously pointed out in the declaration of Arthur Hair submitted December 30, 1993.</p>
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<p>the transmitter remote from the receiver, the receiver at a location determined by the second party in electrical communication with the connecting means or mechanism</p>	<p>11</p>	<p>p. 2, Ins. 47-50 p. 3, Ins. 20-40 Fig. 1 p. 4, Ins. 21-23</p>	<p>The original as filed specification states throughout that digital audio or digital video signals are sold and transferred via telephone lines. A skilled artisan would readily understand this to comprehend transfers between two remote locations. A skilled artisan would further recognize that in order for transmission of the digital audio or video signals to occur the transmitter and receiver have to be in electrical communication with the connecting means.</p>
<p>means or mechanism for storing desired digital video or digital audio signals with the receiver</p>	<p>11, 16</p>	<p>p. 3, Ins. 26-31 p. 4, Ins. 15-20 Fig. 1</p>	<p>The second party control unit includes a second party control integrated circuit which regulates the transfer of the digital audio and digital video signals. A skilled artisan would readily recognize that the second party integrated circuit regulates storage of the digital audio or digital video signals.</p>

speakers in possession and control of the second party	14, 18, 26	p. 3, ln. 33, 47-49	The as filed original specification has <i>ipsis verbis</i> support for speakers. A skilled artisan would readily recognize that the speakers would be in possession and control of the second party since the specification throughout states that the second party may repeatedly listen to stored songs through the speakers.
the second party choosing desired digital audio signals from the first party's hard disk	26	p. 2, lns. 8-16, 20-27, 38-52 p. 35-49	Throughout the specification discloses electronic sales of digital video or digital audio signals. A skilled artisan would readily recognize that this includes the selection of individual desired signals by the purchaser.

Application Number 	Application/Center/IN 90/007,403	Applicant(s)/Patent under Reexamination 5675734	
	Examiner Roland G. Foster	Art Unit 3992	

CERTIFICATE UNDER 37 C.F.R. 1.10

70181 U.S. PTO
11/29/06

In Re: Arthur R. Hair

Docket No.: 219099/734

Patent No.: 5,675,734

Re-Examination Control No.: 90/007,403

Re-Examination Filing Date: January 31, 2005

Examiner: Roland Foster

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DATE OF DEPOSIT: November 29, 2006

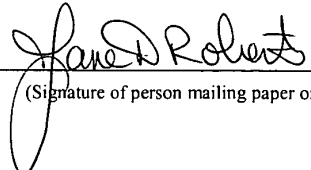
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Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
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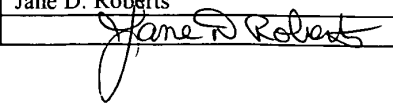
Customer No. 23973

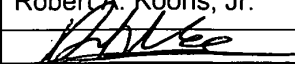
PHIP449843\1

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Patent Number	5,675,734
	Issue Date	7 October 1997
	First Named Inventor	Arthur R. Hair
	Control Number	90/007403
	Examiner Name	Roland Foster
	Customer Number	23973
Total Number of Pages in This Submission	Attorney Docket Number	219099/734

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) – Figs.	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to TC <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> Restriction Requirement	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Response/Amendment to non-final Office Action	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> After Final	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Check
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> CD, Number of CD(s)	<input checked="" type="checkbox"/> Authorization and Petition
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> Certificate of Service
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Name	Drinker Biddle & Reath LLP
Signature	
Printed Name	Robert A. Koons, Jr., Reg. No. 32474
Date	29 November 2006

CERTIFICATE OF MAILING UNDER 37 CFR 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 in an Express Mail envelope addressed to Mail Stop Ex Parte ReExam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:		
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Signature		Date: 29 November 2006

FEE TRANSMITTAL for FY 2006		<i>Complete if known</i>																																																																																																																																																																																	
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<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number <u>50-0573</u> Deposit Account Name <u>Drinker Biddle & Reath LLP</u> The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1503</td><td>1,100</td><td>2503</td><td>550</td><td>Plant issue fee</td><td></td></tr> <tr><td>1462</td><td>400</td><td>1462</td><td>400</td><td>Petition to the Commissioner - Group I</td><td></td></tr> <tr><td>1463</td><td>200</td><td>1463</td><td>200</td><td>Petition to the Commissioner - Group II</td><td></td></tr> <tr><td>1464</td><td>130</td><td>1464</td><td>130</td><td>Petition to the Commissioner - Group III</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify)</td></tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	120	2251	60	Extension for reply within first month		1252	450	2252	225	Extension for reply within second month		1253	1,020	2253	510	Extension for reply within third month		1254	1,590	2254	795	Extension for reply within fourth month		1255	2,160	2255	1,080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	500	2452	250	Petition to revive - unavoidable		1453	1,500	2453	750	Petition to revive - unintentional		1501	1,400	2501	700	Utility issue fee (or reissue)		1503	1,100	2503	550	Plant issue fee		1462	400	1462	400	Petition to the Commissioner - Group I		1463	200	1463	200	Petition to the Commissioner - Group II		1464	130	1464	130	Petition to the Commissioner - Group III		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))		1801	790	2801	395	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify)					
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Total Claims Remaining After Amendment: 53 Highest # Total Claims Previously Paid For: 34 Total Claims Unpaid For: 19 Independent Claims After Amendment: 12 Highest # Independent Claims Prev. Paid For: 6 Total Independent Claims Unpaid For: 6 Number of Multiple Dependent Claims: 0 Additional Fee Owed: 19 Additional Claims X \$50 = \$950.00 6 Additional Independent Claims X \$200 = \$1200.00 TOTAL OWED: \$2,150.00																																																																																																																																																																																			
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Name (Print/Type)	Robert A. Koons, Jr.	Registration No. (Attorney/Agent)	32474	Telephone	(215) 988.3392																																																																																																																																																																														
Signature		Date	29 November 2006																																																																																																																																																																																

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01 FC:1822
02 FC:1821


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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Patent Number	5,675,734
	Issue Date	7 October 1997
Total Number of Pages in This Submission	First Named Inventor	Arthur R. Hair
	Control Number	90/007403
	Examiner Name	Roland Foster
	Customer Number	23973
	Attorney Docket Number	219099/734

ENCLOSURES (check all that apply)

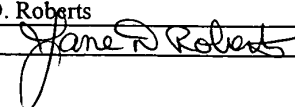
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) - Figs.	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to TC <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> Restriction Requirement	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Response/Amendment to non-final Office Action	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> After Final	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Check
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> CD, Number of CD(s)	<input checked="" type="checkbox"/> Authorization and Petition
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> Certificate of Service
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

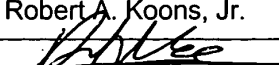
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Drinker Biddle & Reath LLP	
Signature		
Printed Name	Robert A. Koons, Jr., Reg. No. 32474	
Date	29 November 2006	

CERTIFICATE OF MAILING UNDER 37 CFR 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 in an Express Mail envelope addressed to Mail Stop Ex Parte ReExam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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Signature		Date: 29 November 2006

FEE TRANSMITTAL for FY 2006 <i>Patent fees are subject to annual revision.</i>		<i>Complete if known</i>																																																																																																																																																																																	
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<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number <u>50-0573</u> Deposit Account Name <u>Drinker Biddle & Reath LLP</u> The Director is authorized to: <i>(check all that apply)</i> <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - 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Name (Print/Type)	Robert A. Koons, Jr.	Registration No. (Attorney/Agent)	32474	Telephone	(215) 988.3392																																																																																																																																																																														
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In the Claims

1.(Amended) A method for transferring desired digital video or digital audio signals comprising the steps of:

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;

the second memory having a second party hard disk;

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;

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;

storing a replica of the coded desired digital video or digital audio signals from the first party hard disk into the sales random access memory chip;

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and

storing the transferred replica of the coded desired digital video or digital audio signals in the second [memory] party hard disk.

3.(Amended) A method as described in Claim 2 wherein the second memory includes an incoming random access memory chip which temporarily stores the coded desired digital video or digital audio signals from the sales random access memory chip[, a second party hard disk for storing the coded desired digital video or audio digital signals from the incoming random access memory chip,] and a playback random access memory chip for temporarily storing the coded desired digital video or digital audio signals from the [first] second party hard disk for sequential playback; and the storing the transferred replica step includes the steps of storing the coded desired digital video or digital audio signals from the sales random access memory chip in the incoming random access memory chip, transferring the desired digital video or digital audio signals from the incoming random access memory chip to the second party hard disk, storing the desired digital video or digital audio signals in the second party hard disk, causing the second party integrated circuit with the second party control panel to play the desired digital video or digital audio signals from the second party hard disk, transferring a replica of the desired digital video or digital audio signals from the second party hard disk to the playback random access memory chip for playback and, playing the desired digital video or digital audio signals from the second party hard disk.

11.(Amended) A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:

a first memory in possession and control of the first party;

a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;

the second memory including a second party hard disk;

telecommunications lines;

means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory;

means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said

first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the first memory [in] into the second party hard disk of the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.

13.(Amended) A system as described in Claim 12 wherein the first memory comprises a first hard disk [and the second memory comprises a second hard disk].

35.(New) A method for transferring desired digital video or digital audio signals comprising the steps of:

forming a connection through telecommunications lines between a first memory of a first party at a first party location and a second memory of a second party at a second party location remote from the first party location, said first memory having a first party hard disk having a plurality of digital video or digital audio signals including coded desired digital video or digital audio signals, and a sales random access memory chip which temporarily stores a replica of the coded desired digital video or digital audio signals purchased by the second party for subsequent transfer via telecommunications lines to the second memory of the second party;

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;

electronically coding the desired digital video or digital audio signals to form said coded desired digital video or digital audio signals into a configuration which would prevent unauthorized reproduction of the desired digital video or digital audio signals;

storing a replica of the coded desired digital video or digital audio signals from the hard disk into the sales random access memory chip;

transferring the stored replica of the coded desired digital video or digital audio signals from the sales random access memory chip of the first party to the second memory of the second party through telecommunications lines while the second memory is in possession and control of the second party; and

storing the transferred replica of the coded desired digital video or digital audio signals in a non-volatile storage portion of the second memory;

wherein the non-volatile storage portion is not a tape or CD.

36.(New) A method as described in Claim 35 wherein there is a second party integrated circuit which controls and executes commands of the second party, and a second party control panel connected to the second party integrated circuit, and before the forming step, there is the step of commanding the second party integrated circuit with the second party control panel to initiate the purchase of the desired digital video or digital audio signals from the first party hard disk.

37.(New) A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's hard disk to be transferred from the first party control unit, and means for electronically selling the desired digital video or digital audio signals;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and means for playing the desired digital video or digital audio signals connected to the second memory and the second party control panel, said means for playing operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party, the second memory includes a non-volatile storage portion which is not a tape or CD, the second memory storing the desired digital video or digital audio signals transferred from the sales random access memory chip, and a playback random access memory chip electronically connected to the non-volatile storage for storing a replica of the desired digital video or digital audio signals from the non-volatile storage as a temporary staging area for playback; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur and through which the desired digital video or digital audio signals are electronically transferred from the sales random access memory chip to the second memory while the second memory is in possession and control of the second party and after the desired digital video or digital audio signals are sold to the second party by the first party.

38.(New) A system as described in Claim 37 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control panel through the telecommunications lines; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

39.(New) A system as described in Claim 38 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the non-volatile storage, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

40.(New) A system as described in Claim 39 wherein the second memory includes an incoming random access memory chip connected to the non-volatile memory and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the non-volatile memory.

41.(New) A system as described in Claim 40 wherein the playing means includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

42.(New) A system as described in Claim 37 wherein the telecommunications lines include telephone lines.

43.(New) A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party to a second memory of a second party comprising:

a first memory in possession and control of the first party;

a second memory in possession and control of the second party, said second memory is at a location remote from said first memory;

telecommunications lines;

means or a mechanism for transferring money electronically via telecommunications lines from the second party controlling use and in possession of the second memory to the first party controlling use and in possession of the first memory and includes a non-volatile storage portion that is not a tape or CD;

means or a mechanism for connecting electronically via the telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit in possession and control of the first party, and a second control unit in possession and control of the second party, said first control unit comprises a first control panel, first control

integrated circuit and a sales random access memory, said sales random access memory and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, an incoming random access memory and a playback random access memory, said second control panel, said incoming random access memory and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the first memory to the second memory, said means or mechanism for transmitting comprising a transmitter connected to the first memory and the telecommunications lines and a receiver connected to the second memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter and said receiver at a location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the first memory into the non-volatile storage portion of the second memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said second memory.

44.(New) A system as described in Claim 43 wherein the telecommunications lines include telephone lines.

45.(New) A system as described in Claim 44 wherein the first memory comprises a hard disk.

46.(New) A system as described in Claim 45 including a video display and speakers in possession and control of the second party, said video display and speakers in electrical communication with said second control integrated circuit.

47.(New) A system as described in Claim 43 wherein the telecommunications lines include telephone lines.

48.(New) A system for transmitting desired digital video or digital audio signals stored on a first memory of a first party at a first party location to a second memory of a second party at a second party location comprising:

a first memory at a first party location, said first memory in possession and control of the first party, said first memory comprising a first party hard disk in which the desired digital video or digital audio signals are stored;

a second memory in possession and control of the second party, wherein said second memory is at a second party location remote from said first memory, said second memory including a non-volatile storage portion in which the desired digital video or digital audio signals are stored that are received from the first memory and a playback random access memory, wherein the non-volatile storage portion is not a tape or CD;

telecommunications lines;

means or a mechanism for the first party to charge a fee to the second party and provide access to the desired digital video or digital audio signals at the first party location remote from the second party location, said first party controlling use of the first memory, said second party

controlling use and in possession of the second memory, said means or mechanism for the first party to charge a fee includes means or a mechanism for transferring money electronically from the second party via telecommunications lines to the first party at the first party location remote from the second memory at the second party location;

means or a mechanism for connecting electronically via telecommunications lines the first memory with the second memory such that the desired digital video or digital audio signals can pass therebetween, said connecting means or mechanism in electrical communication with the transferring means or mechanism, said connecting means or mechanism comprises a first control unit disposed at the first party location and a second control unit disposed at the second party location remote from said first control unit, said first control unit comprises a first control panel, first control integrated circuit, and a sales random access memory connected to the first hard disk for temporarily storing a replica of the desired digital video or digital audio signals to be transmitted from the first control unit, said sales random access memory, said first hard disk and said first control panel in electrical communication with said first control integrated circuit, said second control unit comprising a second control panel, a second control integrated circuit, and an incoming random access memory which temporarily stores the desired digital video or digital audio signals transmitted from the sales random access memory, said playback random access memory connected to the incoming random access memory for temporarily storing a replica of the desired digital video signals or digital audio signals to be played, said incoming random access memory connected to said non-volatile storage, said second control panel, said incoming random access memory, said non-volatile storage and said playback random access memory in electrical communication with said second control integrated circuit;

means or a mechanism for transmitting the desired digital video or digital audio signals from the sales random access memory to the incoming random access memory, said means or mechanism for transmitting comprising a transmitter connected to the sales random access memory and the telecommunications lines and a receiver connected to the incoming random access memory, the transmitter and the telecommunications lines, said first party in control and possession of the transmitter, said second party in control and possession of the receiver, said receiver remote from said transmitter, and said receiver at the second party location determined by the second party, said transmitting means or mechanism in electrical communication with said connecting means or mechanism; and

means or a mechanism for storing the desired digital video or digital audio signals from the sales random access memory in the incoming random access memory, said storing means or mechanism in electrical communication with said receiver of said transmitting means or mechanism and with said sales random access memory.

49.(New) A system as described in Claim 48 wherein the telecommunications lines include telephone lines.

50.(New) A system as described in Claim 49 including a video display and speakers in electrical communication with said second control integrated circuit.

51.(New) A system for transferring digital video signals comprising:
a first party control unit in possession and control of a first party;

a second party control unit in possession and control of the second party, wherein said second party control unit is at a location remote from said first party control unit;

said first party control unit having a first memory having a plurality of desired individual video selections as desired digital video signals, said first party control unit which includes a first party hard disk having the plurality of digital video signals which include desired digital video signals, and a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video signals of the first party's hard disk to be transferred from the first party control unit, and means or a mechanism for the first party to charge a fee to the second party for access to the desired digital video signals of the first party's hard disk at a location remote from the second party location;

a second party control unit having a second party control panel, a receiver and a video display for playing the desired digital video signals received by the receiver, said second party control panel connected to the video display and the receiver, said receiver and video display operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a second party location determined by the second party which is remote from said first party control unit, said second party choosing the desired digital video signals from the first party's hard disk with said second party control panel, said second party control unit includes a second memory which is connected to the receiver and the video display, said second memory storing the desired digital video signals that are received by the receiver to provide the video display with the desired digital video signals from the sales random access memory chip, the second party control unit includes a non-volatile storage portion which stores a plurality of digital video signals, wherein the non-volatile storage portion is not a tape or CD, and a playback random

access memory chip electronically connected to the non-volatile storage for storing a replica of the desired digital video signals as a temporary staging area for playback; and

telecommunications lines connected to the first party control unit and the second party control unit through which the desired digital video signals are electronically transferred from the sales random access memory chip to the receiver while the second party control unit is in possession and control of the second party after the desired digital video signals are sold to the second party by the first party, the telecommunications lines include telephone lines.

52.(New) A system as described in Claim 51 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video signals; and a first party control panel through which the first party control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

53.(New) A system as described in Claim 52 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the non-volatile storage, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video signals; and a second party control panel through which the second party

control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

54.(New) A system as described in Claim 53 wherein the second party control unit includes an incoming random access memory chip connected to the non-volatile storage and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video signals received from the first party's control unit for subsequent storage to the non-volatile storage.

55.(New) A system as described in Claim 54 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video signals.

56.(New) A system for transferring digital video or digital audio signals comprising:

a first party control unit having a first party hard disk having a plurality of digital video or digital audio signals which include desired digital video or digital audio signals, a sales random access memory chip electronically connected to the first party hard disk for storing a replica of the desired digital video or digital audio signals of the first party's disk to be transferred from the first party control unit, and a mechanism for electronically selling the desired digital video or digital audio signals of the first party's hard disk;

a second party control unit having a second party control panel, a second memory connected to the second party control panel, and a mechanism for playing the desired digital video or digital audio signals connected to the second memory and the second party control

panel, said playing mechanism operatively controlled by the second party control panel, said second party control unit remote from the first party control unit, said second party control unit placed by the second party at a location determined by the second party, the second memory includes a non-volatile storage portion which stores a plurality of digital video or audio signals, wherein the non-volatile storage portion is not a tape or CD, and a playback random access memory chip electronically connected to the non-volatile storage for storing a replica of the desired digital video or audio signals as a temporary staging area for playback; and

telecommunications lines connected to the first party control unit and the second party control unit through which the electronic sales of the desired digital video or digital audio signals occur of the first party's hard disk, and over which the desired digital video or digital audio signals of the first party's hard disk are electronically transferred from the sales random access memory chip to the non-volatile storage portion of the second memory while the second party is in possession and control of the second memory and after the desired digital video or digital audio signals are sold to the second party by the first party, the telecommunications lines include telephone lines.

.57.(New) A system as described in Claim 56 wherein the first party control unit includes a first party control integrated circuit which controls and executes commands of the first party and is connected to the first party hard disk, the first party sales random access memory, and the second party control integrated circuit through the telecommunications lines, said first party control integrated circuit and said second party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a first party control panel through which the first party

control integrated circuit is programmed and is sent commands and which is connected to the first party control integrated circuit.

58.(New) A system as described in Claim 57 wherein the second party control unit includes a second party control integrated circuit which controls and executes commands of the second party and is connected to the non-volatile storage, the playback random access memory, and the first party control integrated circuit through the telecommunications lines, said second party control integrated circuit and said first party control integrated circuit regulate the transfer of the desired digital video or audio signals; and a second party control panel through which the second party control integrated circuit is programmed and is sent commands and which is connected to the second party integrated circuit.

59.(New) A system as described in Claim 58 wherein the second party control unit includes an incoming random access memory chip connected to the non-volatile storage and the second party control integrated circuit, and the first party control unit through the telecommunications lines for temporarily storing the desired digital video or audio signals received from the first party's control unit for subsequent storage to the non-volatile storage.

60.(New) A system as described in Claim 59 wherein the second party control unit includes a video display unit connected to the playback random access memory chip and to the second party integrated circuit for displaying the desired digital video or audio signals.

REMARKS

Issued Claims 1 through 4, 6 through 19, 22 through 25, 28 and 31 through 34 , and newly added Claims 35 through 60 are currently pending in the reexamination. All of the issued claims as rejected either were in their original form as issued in U.S. Patent No. 5,675,734 (the “’734 Patent”), or merely were re-written to incorporate limitations from canceled dependent claims. Patentee has amended Claims 1, 3, 11 and 13. Patentee has added new Claims 35 through 60.

I. SUMMARY

Patentee first wishes to thank the Examiner and the Office for taking time to conduct the Interview held on November 16, 2006 to discuss the instant reexamination and the two copending reexaminations.

In the most recent Office Action, the Office has raised new rejections based on prior art and alleged failure of the patents in reexamination to comply with the written description and enablement requirements of 35 U.S.C. § 112, first paragraph. Related to the alleged failure of the claims to be supported properly or enabled by the originally filed specification, the Office has further alleged that the claims in the instant reexamination are not entitled to the priority date corresponding to the filing date of the original specification.

To establish either *prima facie* anticipation or obviousness of the claims, the Office has cited patent references that do not qualify as prior art based on the June 13, 1988 priority date, to which the Patentee believes the claims in reexamination are entitled. Patentee further notes that the Office relies on this post 1988 art to support a rejection of all of the claims for obviousness-type double-patenting over Claims 1 through 6 of U.S. Patent 5,191,573 (the “’573 Patent”). As a predicate for citing this post 1988 art, the Office has asserted that the claims of the ‘734 Patent

are not entitled to the June 13, 1988 filing date due to an alleged failure of the originally filed specification to provide an adequate written description and/or properly enable the claimed invention. For the reasons set forth below, Patentee respectfully submits that it is improper for the Office to reconsider the priority date awarded to the claims as issued in the original examination. In addition, notwithstanding the impropriety of considering the issue, Patentee respectfully submits for the reasons set forth below that the claims as issued in the '734 Patent both are described adequately and enabled by the original specification as filed. As a result, the claims as issued are entitled to the June 13, 1988 priority date and the post 1988 references cited by the Office, i.e., U.S. Patent No. 5,132,992 to *Yurt (Yurt)*; and U.S. Patent No. 5,241,428 to *Goldwasser et al (Goldwasser)*, cannot be considered for the purposes of 35 U.S.C. §§ 102 and 103, or to support a rejection for obviousness-type double-patenting.

In the current Office Action, the Office also has cited only a single references that antedates the June 13, 1988 priority date. However, this reference relates to reproducing copies of audio or video signals on tapes and/or CDs. As set forth below, the claimed invention obviates the use of tapes and CDs as a storage medium for audio and video signals. As a result, there is no applicable prior art of record that shows, suggests, or teaches each and every limitation of the claimed invention.

Further, notwithstanding the improper basis put forth by the Office for its rejection for double-patenting, i.e. relying on an improper reference, Patentee respectfully submits that it is improper for the Office ever to consider the issue of double-patenting now, because that issue was before the examiner in the original examination of the '734 Patent.

Patentee has introduced amendments to originally issued Claims 1 and 11 that are fully supported by the specification filed on June 13, 1988, as set forth below. Patentee respectfully

submits that, because the claims as issued in the '734 Patent are entitled to the June 13, 1988 priority date, and because the amendatory subject matter added by the instant amendments is supported fully by the originally filed specification, the claims as amended also are entitled to the June 13, 1988 priority date, and further are allowable over the applicable prior art of record for the reasons set forth below.

II. CLAIM AMENDMENTS

Patentee has amended Claims 1 and 11 to recite that the second memory includes a second party hard disk and that the digital audio or digital video signals are stored to the second party hard disk. These amendments are explicitly supported by original Claims 3 and 13. Claims 3 and 13 have been amended to comport with amended Claims 1 and 11. No new matter has been added.

Patentee has added new independent Claims 35, 37, 43, 48, 51, and 56, which mirror existing independent Claims 1, 4, 11, 16, 19, 28 except that the added independent claims recite that the digital audio or digital video signals are stored to a non-volatile storage portion of the second memory that is not a tape or CD, whereas Claims 1, 4, 11, 16, 19, 28 recite storing the digital audio or digital video signals to a hard disk. Support for the non-volatile storage feature is found in the originally filed specification for example at page 4, lines 35 to 49, *et seq.*, which recites specifically a hard disk. A hard disk is a form of non-volatile storage. *See e.g.*

http://en.wikipedia.org/wiki/Non-volatile_storage (“Non-volatile memory, or non-volatile storage, is computer memory that can retain the stored information even when not powered.”) Examples of non-volatile storage include computer hard disks. *See Id.* This definition is consistent with the usage of the term “non-volatile storage” at the time the original specification was filed. *See e.g.* U.S. Patent No. 4,458,109 at column 10, lines 60 to 62 (“The message MSG

is stored on a non-volatile mass storage subsystem 43, for instance a hard disk.”); U.S. Patent 4,872,064 at column 8, lines 15 to 17 (“More generally, Remote Storage 3 can be any non-volatile storage device including hard disk.”) Thus it is clear that at the time of filing, June 13, 1988, a skilled artisan would have understood that a hard disk is a non-volatile storage and therefore supports the limitation. Therefore, no new matter has been added by the amendment.

Patentee has also added new dependent Claims 36, 38 through 42, 44 through 47, 49, 50, 52 through 55 and 57 through 60, which mirror dependent Claims 2, 6 through 10, 12 through 15, 17, 18, 22 through 25 and 31 through 34 respectively, except that the claims have a limitation of a second memory including a non-volatile storage portion that is not a tape or CD. Therefore, no new matter has been added by the amendment.

III. THE CLAIMS OF THE ‘734 PATENT ARE ENTITLED TO THE JUNE 13, 1988 PRIORITY DATE AWARDED DURING THE INITIAL EXAMINATION

The Office asserts that the claims of the ‘734 Patent are not entitled to the June 13, 1988 priority date awarded during the original examination of the patent. As a basis for depriving the claims of the original priority date, the Office has asserted that the claims are not supported by an adequate written description and/or not enabled by the originally filed specification. The Office has used this assertion as a predicate to assign a later priority date to the claims and thereby introduce new references, i.e., *Yurt* and *Goldwasser*, that do not qualify as prior art based on the proper June 13, 1988 priority date.

Patentee wishes to point out that the ‘734 Patent issued from an application that was related to the application originally filed on June 13, 1988 through a series of continuation applications. The application was accorded the priority date of June 13, 1988 by the original Examiner (“Examiner Nguyen”) based on a thorough examination, including amendments to the claims and specification during prosecution of the application that eventually issued as the ‘734

Patent, and its predecessor applications. For the reasons set forth below, Patentee respectfully submits that the Office lacks authority in reexamination to revisit the issue of priority decided in an initial examination, especially where the facts, as in the present case, clearly show that the issue was dealt with in detail by the original examiner. Moreover, Patentee further respectfully submits that the claims, in fact, are adequately supported and enabled by the originally filed specification. As a result, the claims are entitled to the June 13, 1988 priority date, and *Yurt* and *Goldwasser* are not available as prior art.

A. As a Matter of Law, the Office Lacks Jurisdiction in Reexaminations to Reassign Priority Dates for Originally Issued Claims in the Absence of a Previous Continuation-in-Part Application

Patentee respectfully submits that the Office lacks jurisdiction in reexamination proceedings, as a matter of law, to reassign priority dates to originally issued claims, where there is no continuation-in-part (“CIP”) application in the chain of prior applications.

1. Jurisdiction to Reassign Priority Dates Is Limited to Claim Limitations Added or Deleted in Reexamination and to Claims Relying on a Continuation-in-Part Application

Patentee respectfully submits that it is impermissible, in the context of a reexamination, to apply 35 U.S.C. § 120 to reassign priority dates for originally issued claims. It is well established that the primary determination under Section 120 is whether priority is claimed to an earlier application that “fulfills the requirements of Section 112, first paragraph.” *Callicrate v. Wadsworth Mfg.*, 427 F.3d 1361, 1373 (Fed. Cir. 2005) (citation omitted). It equally is well established, however, that the scope of a reexamination proceeding is limited to whether claims are patentable under 35 U.S.C. §§ 102 and 103 “on the basis of patents and printed publications.” 37 C.F.R. § 1.552. The reexamination rules explicitly preclude consideration of issues arising under 35 U.S.C. § 112, except “with respect to subject matter added or deleted in the

reexamination proceeding.” *Id.*; see also *In re Etter*, 756 F.2d 852, 856 (Fed. Cir. 1985) (en banc) (“only new or amended claims are also examined under 35 U.S.C. §§ 112 and 132”). Moreover, the inquiry under Section 120 as to whether the language of a particular claim, as filed or amended during an original prosecution, was supported or unsupported by sufficient disclosure is, by definition, not a *new* question. Rather, it is an issue that necessarily arises at the time of original filing or amendment, and one that necessarily is before the original examiner. It cannot, therefore, raise a “substantial new question of patentability in reexamination,” 35 U.S.C. § 303, because it is never a “new question” at all. Accordingly, Patentee respectfully submits that Section 120 cannot be used as a back door through which a reexamination proceeding may reach Section 112 issues for originally issued unamended claims.

The Office apparently relies on MPEP §§ 2258(I)(C) and 2217 for an implicit grant of authority to cite intervening art based upon a newly determined effective filing date for claims. Patentee respectfully submits, however, that a close reading of these MPEP Sections requires they properly be limited to situations where there was a continuation-in-part (“CIP”) application in the chain of applications leading to the patent under reexamination. In fact, both of the cases cited for support of MPEP §§ 2217 and 2258(I)(C), *In re Ruscetta*, 255 F.2d 687 (CCPA 1958) and *In re van Langenhoven*, 458 F.2d 132 (CCPA 1972), are cases involving CIPs. These cases thus should be read as limited to CIP applications, and their holdings are inapplicable to situations involving pure continuation or divisional applications. Moreover, since both cases predate the enactment by Congress of the reexamination statute, 35 U.S.C. §§ 301 et seq., the cases cannot be read to justify, in the special context of reexamination, something that would plainly be impermissible by an examiner in the context of an original examination.

2. The Jurisdiction of a Reexamination Examiner Cannot Exceed the Authority of an Original Examiner to Reassign Priority Dates