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71739	7590	05/23/2011	EXAMINER	
WITHROW & TERRANOVA CT 100 REGENCY FOREST DRIVE , SUITE 160 CARY, NC 27518			TRAN, PABLO N	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### *Double Patenting*

1. 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. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *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) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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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).

2. Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 16, and 28 of copending Application No. 11/697833. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications disclose similar subject matter of an Internet radio broadcast apparatus enable the user to access an Internet radio site over a communication network.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

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

A person shall be entitled to a patent unless –

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

4. Claims 1-5, 7-9, 11-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mankovitz (US Pat No 5,949,492).

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As per claims 1, 8, 12, and 19, Mankovitz discloses an electronic device comprising a network interface (see fig. 9/no. 707) enabling the electronic device to receive an Internet radio broadcast (fig. 64, col. 2/ln. 61-col. 3/ln. 57, col. 46/ln. 16-44); a system enabling playback of audio content from an additional content source and a control system associated with the network interface and the system enabling playback of audio content from the additional content source, and adapted to enable a user of the electronic device to select a desired mode of operation from a plurality of modes of operation comprising an Internet radio mode of operation and an additional content source mode of operation; receive and play the Internet radio broadcast when the desired mode of operation is the Internet radio mode of operation; and play the audio content from the additional content source when the desired mode of operation is the additional content source mode of operation (see fig. 8, fig. 9, col. 7/ln. 35-col. 4/ln. 19).

As per claims 7, 11, and 18, Mankovitz disclose the control system is further adapted to send a request to a remote server for supplemental information related to a song in real-time while the song is playing; receive the supplemental information from the remote server; and present the supplemental information to the user of the electronic device (see col. 2/ln. 61-col. 3/ln. 57).

As per claims 2-5, 9, 13-16, an 20, Mankovitz discloses the plurality of additional content sources comprises at least two of a group consisting of: broadcast radio (see col. 1/ln. 9-11), an optical disc (see col. 8/ln. 54-col. 9/ln. 35), a playlist (see col. 35/ln. 65-col. 36/ln. 21, col. 38/ln. 25-46), and a data storage device of the electronic device (see col. 8/ln. 54-col. 9/ln. 35).

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