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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/563,232	11/27/2006	Safi Qureshey	1116-028C	1583
71739 7590 05/23/2011 WITHROW & TERRANOVA CT 100 REGENCY FOREST DRIVE, SUITE 160 CARY NG 27518			EXAMINER	
			TRAN, PABLO N	
CARY, NC 27518			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			05/23/2011	PAPER

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.



	Application No.	Applicant(s)				
	11/563,232	QURESHEY ET AL.				
Office Action Summary	Examiner	Art Unit				
	PABLO TRAN	2618				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on	Responsive to communication(s) filed on .					
	· · · · · · · · · · · · · · · · · · ·					
3) Since this application is in condition for allowan	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-20 is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some col None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Page No(c) (Mail Date						
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 		′ = '''				
Paper No(s)/Mail Date 6) Other:						



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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 application 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 <u>provisional</u> 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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