Case 2:14-cv-00486 Document 6 Filed 01/21/14 Page 1 of 1 Page ID #:514

AO	120 (Re	v. 08/10)

Mail Stop 8	REPORT ON THE
TO: Director of the U.S. Patent and Trademark Office	FILING OR DETERMINATION OF AN
P.O. Box 1450	ACTION REGARDING A PATENT OR
Alexandria, VA 22313-1450	TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been for the U.S. District Court for the Central District of California on the following

DOCKET NO.	DATE FILED 1/21/2014	U.S. DISTRICT COURT for the Central District of California	
PLAINTIFF Black Hills Media, LLC		DEFENDANT Sonos, Inc.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 8,045,952	10/25/2011	Black Hills Media, LLC	
2 8,050,652	11/1/2011	Black Hills Media, LLC	
3 6,985,694	1/10/2006	Black Hills Media, LLC	
4 7,742,740	6/22/2010	Black Hills Media, LLC	
5 6,757,517	6/29/2004	Black Hills Media, LLC	

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE NICI LIDED	INCLUDED BY		
DATE INCLUDED 1/21/2014	Amer	ndment 🗌 Answer 🔲 Cross Bill 🗹 Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 6,108,686	8/22/2000	Black Hills Media, LLC	
2 8,230,099	7/24/2012	Black Hills Media, LLC	
3 8,214,873	7/3/2012	Black Hills Media, LLC	
4 7,236,739	6/23/2007	Black Hills Media, LLC	
5 6,826,283	11/30/2004	Black Hills Media, LLC	
* 6, 8,028,323	9/27/2011	Black Hills Media, LLC	

In the above---entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Case 2:13-cv-00521-AWA-DEM Document 5 Filed 09/27/13 Page 1 of 1 PageID# 252

AO 120 (Rev. 08/10)

Mail Stop 8	REPORT ON THE
TO: Director of the U.S. Patent and Trademark Office	FILING OR DETERMINATION OF AN
P.O. Box 1450	ACTION REGARDING A PATENT OR
Alexandria, VA 22313-1450	TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EDVA, Norfolk Division on the following

DOCKET NO. 2:13cv521	DATE FILED 9/20/2013	U.S. DISTRICT COURT EDVA, Norfolk Division		
PLAINTIFF		DEFENDANT		
iSourceLoans LLC		SunTrust Mortgage, Inc.		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
1 7,315,841	1/1/2008	iSourceLoans LLC		
2 7,340,435	3/4/2008	iSourceLoans LLC		
3 8,527,402	9/3/2013	iSourceLoans LLC		
4				
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In the above---cntitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	Amendment	Answer Cross Bill Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE
FERNANDO GALINDO	T. Brown	9/27/2013

Case 1:13-cv-00804-RGA Document 15 Filed 09/27/13 Page 1 of 2 PageID #: 379

PAGE 1 OF 2

AO 120 (Rev. 08/10) FO: Mail Stop 8 FO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		REPORT ON THE Diffice FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK	
filed in the U.S. Dist		5 U.S.C. § 1116 you are hereby advised that a court action has been District of Delaware on involves 35 U.S.C. § 292.):	
DOCKET NO 130/804- KGA	DATE FILED 56 2013	U.S. DISTRICT COURT District of Delaware	
PLAINTIFF BLACK HILLS MEDIA, L		DEFENDANT SHARP CORPORATION and SHARP ELECTRONICS CORPORATION	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC	
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC	
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC	
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC	
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC	

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY				
	Amen	dment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK		HOLDEI	R OF PATENT OR	TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
see attached oro	ler	
CLERK	(BY) DEPUTY CLERK	DATE
John A. Cenno		9-27-2013

Case 1:13-cv-00804-RGA Document 15 Filed 09/27/13 Page 2 of 2 PageID #: 380

PAGE 2 OF 2

AO 120 (Rev. 08/10)				
Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK		
In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § filed in the U.S. District Court Dist Trademarks or Patents. (the patent action involve		trict of Delaware	at a court action has been on the following	
DOCKET NO 13-804-RGA	DATE FILED 5 6 2013	U.S. DI	STRICT COURT District of	Delaware
PLAINTIFF J I BLACK HILLS MEDIA, L			DEFENDANT SHARP CORPORATION CORPORATION	and SHARP ELECTRONICS
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK		HOLDER OF PATE?	NT OR TRADEMARK
1 6,618,593	9/9/2003	BLA	CK HILLS MEDIA, LLC	
2 6,108,686 8/22/2000 BLAG		CK HILLS MEDIA, LLC		
3				
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In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
		nt 🗌 Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLD	ER OF PATENT OR	TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

see attached order,

(BY) DEPUTY CLERK DATE CLERK John A. Ceriño 9-27-2013

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Case 1:12-cv-00637-RGA Document 27 Filed 08/19/13 Page 1 of 2 PageID #: 997

AO	120 (Ren	08/10)	

Mail Stop 8	REPORT ON THE
TO: Director of the U.S. Patent and Trademark Office	FILING OR DETERMINATION OF AN
P.O. Box 1450	ACTION REGARDING A PATENT OR
Alexandria, VA 22313-1450	TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court ______ for the District of Delaware ______ on the following

DOCKET NO. 12-00637-RGA	DATE FILED 5/22/2012	U.S. DISTRICT COURT for the District of Delaware	
PLAINTIFF	<u> </u>	DEFENDANT	
Black Hills Media, LLC		Sonos, Inc.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 8,045,952	10/25/2011	Black Hills Media LLC	
2 8,050,652	11/1/2011	Black Hills Media LLC	
3 6,985,694	1/10/2006	Black Hills Media LLC	
4 7,742,740	6/22/2010	Black Hills Media LLC	
5 6,757,517	6/29/2004	Black Hills Media LLC	

cont'd on second page.

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED 9/11/2012	INCLUDED BY	ndment 🗍 Answer 📄 Cross Bill 📋 Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,108,686	8/22/2000	Black Hills Media LLC
2 8,230,099	7/24/2012	Black Hills Media LLC
3 8,214,873	7/3/2012	Black Hills Media LLC
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Case 1:12-cv-00637-RGA Document 27 Filed 08/19/13 Page 2 of 2 PageID #: 998

AO 120 (Rev. 08/10)

Mail Stop 8	REPORT ON THE
TO: Director of the U.S. Patent and Trademark Office	FILING OR DETERMINATION OF AN
P.O. Box 1450	ACTION REGARDING A PATENT OR
Alexandria, VA 22313-1450	TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been for the District of Delaware on the following filed in the U.S. District Court

Trademarks or A Patents. () the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 12-0067-RGA	DATE FILED 5/22/2012	U.S. DISTRICT COURT for the District of Delaware	
PLAINTIFF		DEFENDANT	
Black Hills Media, LLC		Sonos, Inc.	
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK	
TRADEMARK NO.	OR TRADEMARK		
1 7,236,739	6/26/2007	Black Hills Media LLC	
2 6,826,283	11/30/2004	Black Hills Media LLC	
3 8,028,323	9/27/2011	Black Hills Media LLC	
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In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	Amenda	ment 🗌 Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HÓLDI	ER OF PATENT OR	TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

A case Transferred to Instruct of CA, Central District

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CLERK	(BY) DEPUTY CLERK	DATE
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Case 1:13-cv-00804-UNA Document 3 Filed 05/07/13 Page 1 of 2 PageID #: 274

PAGE 1 OF 2

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AO 120 (Rev. 08/10)			
Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK	
In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. filed in the U.S. District Court		Dis	s 1116 you are hereby advised that a court action has been strict of Delaware on the following es 35 U.S.C. § 292.):
DOCKET NO.	DATE FILED	U.S. DI	STRICT COURT District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC			DEFENDANT SHARP CORPORATION and SHARP ELECTRONICS CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK		HOLDER OF PATENT OR TRADEMARK
1 8,028,323	9/27/2011	BL/	ACK HILLS MEDIA, LLC
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC	
3 8,230,099	7/24/2012	BL/	ACK HILLS MEDIA, LLC
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC	
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC	

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	dment 🗌 Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOL	DER OF PATENT OR	TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
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	(BY) DEPUTY CLERK	DATE
CLERK		

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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Case 1:13-cv-00804-UNA Document 3 Filed 05/07/13 Page 2 of 2 PageID #: 275

PAGE 2 OF 2

AO 120 (Rev. 08/10)			
Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450			REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C filed in the U.S. District Court D Trademarks or Patents. (the patent action invol		Dis	§ 1116 you are hereby advised that a court action has been strict of Delaware on the following es 35 U.S.C. § 292.):
DOCKET NO.	DATE FILED	U.S. DI	ISTRICT COURT District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC			DEFENDANT SHARP CORPORATION and SHARP ELECTRONICS CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK		HOLDER OF PATENT OR TRADEMARK
1 6,618,593	9/9/2003	BLA	ACK HILLS MEDIA, LLC
2 6,108,686	8/22/2000 BL/		ACK HILLS MEDIA, LLC
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In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	nt Answer Cross Bill Dther Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

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CLERK	(BY) DEPUTY CLERK	DATE

Copy 1---Upon initiation of action, mail this copy to Director Copy 3---Upon termination of action, mail this copy to Director Copy 2---Upon filing document adding patent(s), mail this copy to Director Copy 4---Case file copy

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Case 1:13-cv-00803-UNA Document 3 Filed 05/07/13 Page 1 of 2 PageID #: 274

PAGE 1 OF 2

AO 120 (Rev. 08/10)				
Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450			FILING OR DE ACTION REGA	ORT ON THE TERMINATION OF AN ARDING A PATENT OR ADEMARK
In Compliand filed in the U.S. Dist	xe with 35 U.S.C. § 290 and/or 15 trict Court	U.S.C. § Dis	1116 you are hereby advised the trict of Delaware	nat a court action has been on the following
	Patents. (] the patent actio	n involve	es 35 U.S.C. § 292.):	
DOCKET NO.	DATE FILED	U.S. DI	STRICT COURT District c	of Delaware
PLAINTIFF BLACK HILLS MEDIA, I	LLC		DEFENDANT LG ELECTRONICS, IN and LG ELECTRONICS	C., LG ELECTRONICS U.S.A., INC S MOBILECOMM U.S.A., INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK		HOLDER OF PAT	ENT OR TRADEMARK
1 8,028,323	9/27/2011	BLA	CK HILLS MEDIA, LLC	
2 8,214,873	7/3/2012	BLA	CK HILLS MEDIA, LLC	
3 8,230,099	7/24/2012	BLA	CK HILLS MEDIA, LLC	
4 8,045,952	10/25/2011	BLA	CK HILLS MEDIA, LLC	
5 8,050,652	11/1/2011	BLA	ACK HILLS MEDIA, LLC	

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	dment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK			ER OF PATENT OR	TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
	(BY) DEPUTY CLERK	DATE
CLERK	(BI) DEFUTT CLEAR	2

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Case 1:13-cv-00806-UNA Document 3 Filed 05/07/13 Page 1 of 2 PageID #: 252

PAGE 1 OF 2

AO 120 (Rev. 08/10)				
Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450			REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK	
In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. filed in the U.S. District Court			1116 you are hereby advised that a court action has been trict of Delaware on the following as 35 U.S.C. § 292.):	
DOCKET NO.	DATE FILED	U.S. DI	STRICT COURT District of Delaware	
PLAINTIFF BLACK HILLS MEDIA, LLC		· .	DEFENDANT PANASONIC CORPORATION and PANASONIC CORPORATION OF NORTH AMERICA	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
1 8,028,323	9/27/2011	BLA	CK HILLS MEDIA, LLC	
2 8,214,873	7/3/2012 BL		BLACK HILLS MEDIA, LLC	
3 8,230,099	7/24/2012	BL/	BLACK HILLS MEDIA, LLC	
4 8,045,952	10/25/2011	BLA	ACK HILLS MEDIA, LLC	
5 8,050,652	11/1/2011	BLA	ACK HILLS MEDIA, LLC	

In the above---entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	ent Answer Cross Bill Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT			
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CLERK	(BY) DEPUTY CLERK	DATE	

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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Case 1:13-cv-00805-UNA Document 3 Filed 05/07/13 Page 1 of 2 PageID #: 251

PAGE 1 OF 2

AQ 120 (Rev. 08/10)			
TO: Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		ffice	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
filed in the U.S. Dist		Dis	1116 you are hereby advised that a court action has been trict of Delaware on the following s 35 U.S.C. § 292.): 0
DOCKET NO.	DATE FILED	U.S. DI	STRICT COURT District of Delaware
PLAINTIFF BLACK HILLS MEDIA, I	тс		DEFENDANT TOSHIBA CORPORATION and TOSHIBA AMERICA INFORMATION SYSTEMS, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC	
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC	
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC	
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC	

In the above---entitled case, the following patent(s)/ trademark(s) have been included:

11/1/2011

5 8,050,652

BLACK HILLS MEDIA, LLC

DATE INCLUDED	INCLUDED BY	
		ent Answer Cross Bill Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Case 2:13-cv-00379 Document 4 Filed 05/06/13 Page 1 of 2 PageID #: 417

AO 120 (Rev. 08/10)

Mail Stop 8	REPORT ON THE
TO: Director of the U.S. Patent and Trademark Office	FILING OR DETERMINATION OF AN
P.O. Box 1450	ACTION REGARDING A PATENT OR
Alexandria, VA 22313-1450	TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

DOCKET NO. 2:13cv379	DATE FILED 5/6/2013	U.S. DISTRICT COURT Eastern District of Texas			
PLAINTIFF		DEFENDANT			
BLACK HILLS MEDIA, LLC		SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC			
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC			
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC			
3 8,230,099	6/24/2012	BLACK HILLS MEDIA, LLC			
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC			
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC			

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY				
		lment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK		HOLDE	R OF PATENT OR	TRADEMARK
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In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE
1		

Case 1:12-cv-00637-RGA Document 4 Filed 09/12/12 Page 2 of 2 PageID #: 713

AO 120) (Rev. 08/10)
TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office
	P.O. Box 1450
	Alexandria, VA 22313-1450

REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the District of Delaware on the following

DOCKET NO. 12-0067-RGA	DATE FILED 5/22/2012	U.S. DISTRICT COURT for the District of Delaware				
PLAINTIFF Black Hills Media, LLC			DEFENDANT Sonos, Inc.			
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK				
1 7,236,739	6/26/2007	Black Hills Media LLC				
2 6,826,283	11/30/2004	Black Hills Media LLC				
3 8,028,323	9/27/2011	Black Hills Media LLC				
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In the above-entitled case, the following patent(s)/ trademark(s) have been included:

	100 million -	
DATE INCLUDED	INCLUDED BY	nent 🔲 Answer 📋 Cross Bill 📄 Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above---entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

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PTO/SB/80 (11-08) Approved for use through 11/30/2011. OMB 0651-0035 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

🐮 POW	/ER OF	ATTORNEY TO PRO	SECUT	EAPF	PLICATIONS	BEFO	RE THE U	SPTO
I hereby rev 37 CFR 3.73		revious powers of attorney	given in tl	ne appl	lication identified	d in the at	tached state	ement under
I hereby app			r				1	
Practitio	ners assoc	ciated with the Customer Number:			71739		· .	
OR							l	
Practitio	oner(s) nam	ned below (if more than ten patent	practitioners	are to b	e named, then a cu	stomer num	nber must be us	sed):
		Name	Registratio Number	'n		Name		Registration Number
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any and all pat	ent applica	to represent the undersigned before tions assigned <u>only</u> to the undersi coordance with 37 CFR 3.73(b).	ore the Unite gned accord	d States ing to th	Patent and Tradem e USPTO assignme	ark Office (ent records o	(USPTO) in cor or assignment o	nection with documents
Please change	the corres	pondence address for the applica	tion identifie	d in the a	attached statement	under 37 Cl	=R 3.73(b) to:	
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OR The a	address as	sociated with Customer Number:		7	71739			
Firm or								
Address	al Name							
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Country		· · · ·			-			
Telephone					Email			
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Assignee Nam	e and Add	ress:						
Black Hills M 1000 North \		eet, Suite 1200						
Wilmington,								
A copy of th	is form, t	ogether with a statement un	der 37 CF	R 3.73(I	b) (Form PTO/SB	3/96 or equ	uivalent) is re	equired to be
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and must ide	entify the	application in which this Po	ower of Atl	orney i	s to be filed.			
		SIGNA	TURE of As	signee	of Record			
	The in	dividual whose signature and title	is supplied	below is	s authorized to act c	on behalf of	the assignee	
Signature	Au	plu.				Date	7/30/20	012
Name		Hugh Svenc	lsen			Telephor	ne 919-4	33-1845
Title				Memb				
by the USPTO to to complete, inclu comments on the	o process) a uding gather e amount of Trademark	is required by 37 CFR 1.31, 1.32 and n application. Confidentiality is govern- ing, preparing, and submitting the com time you require to complete this fom Office, U.S. Department of Commerce S. SEND TO: Commissioner for	ed by 35 U.S. pleted applica n and/or sugg ce. P.O. Box	C. 122 an tion form estions fo 1450. Ale	d 37 CFR 1.11 and 1. to the USPTO. Time v r reducing this burden exandria, VA 22313-1	14. This colle will vary depe , should be s 450. DO No	ection is estimate nding upon the in sent to the Chief OT SEND FEES	d to take 3 minutes idividual case. Any Information Officer,

PTO/SB/123 (11-08)

Approved for use through 1 M36/2611, OME 0661-0035 U.S. Petent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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	Patent Number		8.028,323		
CHANGE OF CORRESPONDENCE ADDRESS	Issue Date		9/27/2013		
Patent	Analization Strack		10/840,109		
Address to:	Filing D	ate	5/05/2004		
Mail Stop Post Issue Commissioner for Patents P.O. Box 1450	First Na	imed Inventor	Martin Weel		
Alexandria, VA 22313-1450	Attorne Numbe	y Docket r	1116-063		
					
Please change the Correspondence Address for the	above-ide	entified patent t	D)		
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tam the:					
D Patentee.					
Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).					
Attorney or agent of record. Registration	Number	51,468	······································		
		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			
Signature Contraction Typed or R. Chad Bevins					
Sentember 6, 2012			010.239	-2300	
September 6, 2012         Telephone         919-238-2300           NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms					

*Total of ________forms are submitted. This collection of information is required by 37 CFR 1.33. 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 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 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: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

if more than one signature is required, see below*:

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PTC/SB/96 (07-06) Approved for use through 07/31/2012 OMB 0651-0031 0 6.44

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	STATEME	ENT UNDER 37 CFR 3.73(b)
Applicant/Patent Own	er: Martin Weel	
		Filed/Issue Date: 9/27/2011
	AND SYSTEM FOR EMPLOYIN N A MEDIA ITEM	G A FIRST DEVICE TO DIRECT A NETWORKED AUDIO DEVICE
Black Hills Media, L	LC, #	a limited liability corporation
(Name of Assignee)		(Type of Assignce; e.g., corporation, partnership, university, government agency, etc.
states that it is:		
1. $ X $ the assign	ee of the entire right, title, and intere	est in;
2. an assign (The exter	ee of less than the entire right, title, and (by percentage) of its ownership in	and interest in%); or
		ntirety of (a complete assignment from one of the joint inventors was made)
· · · · ·	/patent identified above, by virtue of	
the United	ment from the inventor(s) of the pate d States Patent and Trademark Office afore is attached.	ent application/patent identified above. The assignment was recorded in ie at Reel, Frame, or for which a
(TTT)	title from the inventor(s), of the pale	ent application/patent identified above, to the current assignee as follows:
	Martin Weel	To: Musicstream, LLC
		United States Patent and Trademark Office at
	Reel 016272 . Fr	ame 0095 or for which a copy thereof is attached.
2. From:	Musicstream, LLC	To: Elario, Inc.
		United States Patent and Trademark Office at
	Reel 025385 . Fri	ame 0845 or for which a copy thereof is attached.
3. From:	Elario, Inc.	To: Concert Technology Corporation
		United States Patent and Trademark Office at
	Reel 019311 , Fr	ame 0817 or for which a copy thereof is attached.
X Additiona	al documents in the chain of little are	listed on a supplemental sheet(s).
	37 CFR 3.73(b)(1)(i), the documer is being, submitted for recordation	ntary evidence of the chain of title from the original owner to the assignee was, pursuant to 37 CFR 3.11.
accordance wi	th 37 CFR Part 3, to record the assig	original assignment document(s)) must be submitted to Assignment Division in grment in the records of the USPTO. <u>See</u> MPEP 302.08}
The undersigned (wh	ose atte is supplied below) is authori	ized to act on behalf of the assignee.
		September 6, 2012
Signature		Date
R. Chad Bevins	nad Nama	Attorney of Record
Printed or Typ		Title

sine conection or intermation is required by 37 GPH 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 GPH 1,11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the complete 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.

# Statement Under 37 CFR 3.73(b) – Supplemental Sheet

4. From: <u>Concert Technology C</u>	orporation	To: ConPact, Inc.	
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Electronic Acknowledgement Receipt			
EFS ID:	13676350		
Application Number:	10840109		
International Application Number:			
Confirmation Number:	9461		
Title of Invention:	METHOD AND SYSTEM FOR EMPLOYING A FIRST DEVICE TO DIRECT A NETWORKED AUDIO DEVICE TO OBTAIN A MEDIA ITEM		
First Named Inventor/Applicant Name:	Martin Weel		
Customer Number:	71739		
Filer:	R. Chad Bevins/Julie Smith		
Filer Authorized By:	R. Chad Bevins		
Attorney Docket Number:	1116-063		
Receipt Date:	06-SEP-2012		
Filing Date:	05-MAY-2004		
Time Stamp:	16:27:43		
Application Type:	Utility under 35 USC 111(a)		

# Payment information:

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File Listing:							
Document Number	Document Description		File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)	
1	Power of Attorney	11	16-063_Black_Hills_Media_P OA.pdf	139229 a6f3b0960767bdaa6efe38789defe5c0c21b d54d	no	1	
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Information:							

		Total Files Size (in bytes):	7	70845	
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CFR 3.73(b).		7CFR3-73b_9-6-12.pdf	118a83895bedc9028b88b96ef1da5a45dc4 1ff24		
3	Assignee showing of ownership per 37	1116-063_Statement_Under_3	347545	no	2
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#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



# UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	09/27/2011	8028323	1116-063	9461

71739759009/07/2011WITHROW & TERRANOVA CT100 REGENCY FOREST DRIVE , SUITE 160CARY, NC 27518

# **ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment is 1210 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Martin Weel, Modjeska, CA;



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS Photo 1430 Advanta Vignus 22313-1450 www.uphugov

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Bib Data Sheet

## **CONFIRMATION NO. 9461**

SERIAL NUMBE 10/840,109	R FILING OR 371(c) DATE 05/05/2004 RULE	<b>CLASS</b> 725	GROUI	P ART 2448	UNIT	-	ATTORNEY OCKET NO. 1116-063	
APPLICANTS Martin Weel, Modjeska, CA;								
** CONTINUING D	АТА **********************	*						
** FOREIGN APPL		****						
IF REQUIRED, FO ** 07/09/2004	IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/09/2004							
Foreign Priority claimed					INDEPENDENT CLAIMS 10			
ADDRESS 71739								
TITLE METHOD AND SY TO OBTAIN A MEL	STEM FOR EMPLOYING DIA ITEM	A FIRST DEVICE TO	DIRECT	A NETV	NORKE	D AU	IDIO DEVICE	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461
71739 WITHPOW &	7590 08/24/2011 TERRANOVA CT	l	EXAM	INER
100 REGENCY	Y FOREST DRIVE , SU	JITE 160	LUU, L	E HIEN
CARY, NC 27:	518		ART UNIT	PAPER NUMBER
			2448	
			MAIL DATE	DELIVERY MODE
			08/24/2011	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)
Deene	ana ta Rula 210 Communication	10/840,109	WEEL, MARTIN
respo	onse to Rule 312 Communication	Examiner	Art Unit
		Le Luu	2448
	The MAILING DATE of this communication	appears on the cover sheet	with the correspondence address –
	amendment filed on <i><u>10 August 2011</u> under 37 CFI entered.</i>	R 1.312 has been considered,	and has been:
b) 🗌	entered as directed to matters of form not affectir	ng the scope of the invention.	
c) 🗌	disapproved because the amendment was filed a Any amendment filed after the date the issue t and the required fee to withdraw the application	ee is paid must be accompani	
d) 🗌	disapproved. See explanation below.		
e) 🗌	entered in part. See explanation below.		
Attachm 1. In	ents formation Disclosure Statements Mail Date 08/10/	11.	
		/Le Luu/	

23/478

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		10840109
INFORMATION DISCLOSURE	Filing Date		2004-05-05
	First Named Inventor Martin		tin Weel
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448
	Examiner Name	Le Hie	en Luu
	Attorney Docket Numb	er	1116-063

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	1		20040024912	A1	2004-02	2-05	Fukao et al.				
	2		20040103280	A1	2004-05	5-27	Balfanz et al.				
	3		20050025320	A1	2005-02	2-03	Barry				
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	1										

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./ EFS Web 2.1.17

# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2448 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

If you wis	h to ac	d additional Foreign Patent Document citat	tion information please click the Add buttor	Add	
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Examiner	Signa	ture /Le Luu/	Date Considered	08/16/2011	
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Standard ST ⁴ Kind of doo	F.3). ³ F cum <mark>ent</mark>	USPTO Patent Documents at <u>www.USPTO.GOV</u> or or Japanese patent documents, the indication of the y by the appropriate symbols as indicated on the docum inslation is attached.	ear of the reign of the Emperor must precede the ser	ial number of the patent doc	ument.

# EFS Web 2.1.17 ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 Attorney Docket No. 1116-063

Examiner: Le Hien Luu Art Unit: 2448

For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment **Commissioner for Patents** PO Box 1450 Alexandria, VA 22313-1450

Sir:

## AMENDMENT UNDER 37 CFR § 1.312

In response to the Notice of Allowance mailed May 24, 2011, Applicant submits herewith payment of the issue fee, and the attached amendment under 37 CFR § 1.312. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and to consider this a petition therefor.

OK TO ENTER: /L.L./

08/17/2011

SAMSUNG EX. 1003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Addrew: COMMISSIONER FOR PATENTS Resource Commentation 22313-1450 www.uppt.gov

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Bib Data Sheet

## **CONFIRMATION NO. 9461**

SERIAL NUMB 10/840,109	RULE				GROUP ART UNI 2448		UNIT	T ATTORNEY DOCKET NO. 1116-063	
** CONTINUING I	DATA PLICA	odjeska, CA; A ***********************************	***	=					
Foreign Priority claimed									
TITLE	NLOA	DING FOR DIGITAL E	NTERTA		WOR	<			
FILING FEE       FEES: Authority has been given in Paper         No.								essing Ext. of	

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## PART B - FEE(S) TRANSMITTAL

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INSTRUCTIONS: This appropriate. All further indicated unless correc maintenance fee notific:	s form should be used correspondence includin ted below or directed of prions	for transmitting the l ng the Patent, advanc herwise in Block 1, b	ISSUE FEE and PUBLIC re orders and notification by (a) specifying a new c	CATIC of m	ON FEE (if required aintenance fees will bondence address; an	). Blocks 1 through 5 s be mailed to the current d/or (b) indicating a sepa	hould be completed where correspondence address as arate "FEE ADDRESS" for			
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APPLICATION NO.	FILING DATE		FIRST NAMED INVEN	TOR	A	TORNEY DOCKET NO.	CONFIRMATION NO.			
10/840,109	05/05/2004		Martin Weel			1116-063	9461			
TITLE OF INVENTION	N: PLAYLIST DOWNLO	DADING FOR DIGIT	AL ENTERTAINMENT	NETV	VORK					
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE D	DUE	PREV. PAID ISSUE FI		DATE DUE			
nonprovisional	nonprovisional YES \$755				<b>SO</b>	\$1055	08/24/2011			
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		2448	725-141000							
CFR 1.363). Change of corresp Address form PTO/S "Fee Address" inc	Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer				<ul> <li>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,</li> <li>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to</li> </ul>					
PLEASE NOTE: Un recordation as set for (A) NAME OF ASSI Dryden	nless an assignce is ident th in 37 CFR 3.11. Com IGNEE Enterprises, LLC	tified below, no assig pletion of this form is	(B) RESIDENCE: (C	he pat g an a CITY i ilmin	tent. If an assignce ssignment. and STATE OR COL ngton, Delaware	JNTRY)	ocument has been filed for			
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interest as shown by the	records of the United Sta	ates Patent and Trader	nark Office.				e assignee or other party in			
Authorized Signature	- 2-24				DateA	ugust 10, 2011				
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 Attorney Docket No. 1116-063

Examiner: Le Hien Luu Art Unit: 2448

## For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment **Commissioner for Patents** PO Box 1450 Alexandria, VA 22313-1450

Sir:

## AMENDMENT UNDER 37 CFR § 1.312

In response to the Notice of Allowance mailed May 24, 2011, Applicant submits herewith payment of the issue fee, and the attached amendment under 37 CFR § 1.312. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and to consider this a petition therefor.

## In the Specification:

Please amend the title as follows:

# PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK METHOD AND SYSTEM FOR EMPLOYING A FIRST DEVICE TO DIRECT A NETWORKED AUDIO DEVICE TO OBTAIN A MEDIA ITEM

## **REMARKS**

The above amendment under 37 CFR § 1.312 is submitted in order to make the title of the specification more descriptive, and does not add new matter. The amendment also does not alter the scope of the claims, and thus no additional search or examination is required. Applicant requests that the amendment be entered before issuance under 37 CFR. § 1.312. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues.

Respectfully submitted, WITHROW & TERRANOVA, P.L.L.C.

By:

Eric P. Jensen Registration No. 37,647 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: <u>August 10, 2011</u> Attorney Docket: 1116-063

Electronic Patent Application Fee Transmittal								
Application Number:	10840109							
Filing Date:	05-	-May-2004						
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK							
First Named Inventor/Applicant Name:	Martin Weel							
Filer:	Benjamin Withrow/Sarah Breeze							
Attorney Docket Number: 1116-063								
Filed as Large Entity								
Utility under 35 USC 111(a) Filing Fees								
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)			
Basic Filing:								
Pages:								
Claims:								
Miscellaneous-Filing:								
Petition:								
Patent-Appeals-and-Interference:								
Post-Allowance-and-Post-Issuance:								
Utility Appl issue fee		1501	1	1510	1510			
Publ. Fee- early, voluntary, or normal		1504	1	300	300			

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
	Tot	al in USD	) (\$)	1810

Electronic Acl	Electronic Acknowledgement Receipt						
EFS ID:	10706888						
Application Number:	10840109						
International Application Number:							
Confirmation Number:	9461						
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK						
First Named Inventor/Applicant Name:	Martin Weel						
Customer Number:	71739						
Filer:	Benjamin Withrow/Sarah Breeze						
Filer Authorized By:	Benjamin Withrow						
Attorney Docket Number:	1116-063						
Receipt Date:	10-AUG-2011						
Filing Date:	05-MAY-2004						
Time Stamp:	15:35:16						
Application Type:	Utility under 35 USC 111(a)						

# Payment information:

Submitted with Payment	yes					
Payment Type	Credit Card					
Payment was successfully received in RAM	\$1810					
RAM confirmation Number	1869					
Deposit Account	501732					
Authorized User	JENSEN,ERIC P.					
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:						
Charge any Additional Fees required under 37 C.F.R. Se	Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)					
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	lssue Fee Payment (PTO-85B)	1116-063_lssue_Fee_Transmitt	224567	no	1
	issuer eer ayment (Fro-osb)	al_8-10-11.pdf	39139be08cd717659a423267c29169113f5f a311	110	I
Warnings:		·			
Information:					
2		1116-063_Amendment_Under	140976	yes	3
-		_37_CFR_1-312_8-10-11.pdf	4734938920f865659c062286cd7b74dd3a5 39267		5
	Multip	oart Description/PDF files in .	zip description		
	Document De	Start	End		
	Amendment after Notice of	1	1		
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	Applicant Arguments/Remarks	3	3		
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Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32288 no		2
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		Total Files Size (in bytes)	30	7831	

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#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application. Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor Martin		in Weel	
	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Numb	er	1116-063	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue D	)ate	Name of Patentee or Applicant				ant
	1									
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	1	20040024912	A1	2004-02	2-05	Fukao et al.				
	2	20040103280	A1	2004-05	5-27	Balfanz et al.				
	3	20050025320	A1	2005-02	9-03	Barry				
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	1									

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# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2448 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

If you wis	h to ac	d additional Foreign Patent Document citation information please click the Add button Add				
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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.				
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	*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					
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INFORMATION DISCLOSURE	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor Martin		n Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name Le Hi		Hien Luu	
	Attorney Docket Number		1116-063	

		CERTIFICATION	STATEMENT				
Ple	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):						
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).						
OF	R						
X	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2). ■						
	See attached ce	rtification statement.					
×	The fee set forth	in 37 CFR 1.17 (p) has been submitted here	with.				
	A certification sta	atement is not submitted herewith.					
		SIGNAT					
	signature of the ap n of the signature.	plicant or representative is required in accord	dance with CFR 1.33, 10.1	8. Please see CFR 1.4(d) for the			
Sig	nature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-08-09			
Nar	ame/Print R. Chad Bevins Registration Number 51468						
pub 1.14 app	This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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 the complete for and/or current to fine the complete by the complete the complete the complete the complete formed by a set of the complete the c						

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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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
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- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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Electronic Patent Application Fee Transmittal						
Application Number:	10	10840109				
Filing Date:	05	05-May-2004				
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK					
First Named Inventor/Applicant Name:	Martin Weel					
Filer:	R. (	Chad Bevins/Julie S	mith			
Attorney Docket Number:	11	16-063				
Filed as Large Entity						
Utility under 35 USC 111(a) Filing Fees						
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
Basic Filing:						
Pages:						
Claims:						
Miscellaneous-Filing:						
Petition:	Petition:					
Patent-Appeals-and-Interference:	Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:						
Extension-of-Time:						

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
	Total in USD (\$)			180

Electronic Acknowledgement Receipt				
EFS ID:	10696836			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	71739			
Filer:	R. Chad Bevins/Julie Smith			
Filer Authorized By:	R. Chad Bevins			
Attorney Docket Number:	1116-063			
Receipt Date:	09-AUG-2011			
Filing Date:	05-MAY-2004			
Time Stamp:	15:13:20			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

Submitted with Payment	yes			
Payment Type	Credit Card			
Payment was successfully received in RAM	\$180			
RAM confirmation Number	1586			
Deposit Account 501732				
Authorized User BEVINS,R. CHAD				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)				

File Listin	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS)	1116-063 IDS 12.PDF	611568	no	4
I	Form (SB08)	1110-005_IDS_12.PDF	80e176745171044c273104a93c832f8ab36 cf5ad	no	4
<b>Warnings</b> :			·		
Information					
2	Fee Worksheet (SB06)	fee-info.pdf	30577	no	2
2	ree worksheet (SBOO)	lee-into.pui	869b816ed331540b86aff0b7d07bd179989 1f891	110	2
Warnings:			<u> </u>		
Information					
		Total Files Size (in bytes)	: 64	42145	
Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) a Acknowledg <u>National Sta</u> If a timely su U.S.C. 371 ar national stag <u>New Interna</u> If a new inter an internatic and of the In	d by the applicant, and including page described in MPEP 503. tions Under 35 U.S.C. 111 ication is being filed and the applicat and MPEP 506), a Filing Receipt (37 CF ement Receipt will establish the filing ge of an International Application un bmission to enter the national stage and other applicable requirements a Fo ge submission under 35 U.S.C. 371 wi tional Application Filed with the USP (mational application is being filed ar onal filing date (see PCT Article 11 and ternational Filing Date (Form PCT/RC urity, and the date shown on this Ack on.	tion includes the necessary of R 1.54) will be issued in due g date of the application. Inder 35 U.S.C. 371 of an international application orm PCT/DO/EO/903 indication II be issued in addition to the TO as a Receiving Office and the international applicat d MPEP 1810), a Notification D/105) will be issued in due c	components for a filin course and the date s ion is compliant with ing acceptance of the e Filing Receipt, in du ion includes the nece of the International / course, subject to pres	g date (see hown on th the condition application e course. ssary comp Application scriptions co	37 CFR is ons of 35 as a onents for Number oncerning



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### NOTICE OF ALLOWANCE AND FEE(S) DUE

71739 7590 05/24/2011 WITHROW & TERRANOVA CT 100 REGENCY FOREST DRIVE , SUITE 160 CARY, NC 27518

EXAMINER				
LUU, LE HIEN				
ART UNIT PAPER NUMBER				

2448

DATE MAILED: 05/24/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	08/24/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS</u> <u>STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 02/11)

#### PART B - FEE(S) TRANSMITTAL

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							(Depositor's name)		
							(Signature)		
							(Date)		
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTO	ξ.	ATTO	RNEY DOCKET NO.	CONFIRMATION NO.		
10/840,109	05/05/2004	•	Martin Weel			1116-063	9461		
TITLE OF INVENTION	N: PLAYLIST DOWNLO	ADING FOR DIGITAL	ENTERTAINMENT NE	TWORK					
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSU	E FEE	TOTAL FEE(S) DUE	DATE DUE		
nonprovisional	YES	\$755	\$300	\$0		\$1055	08/24/2011		
EXAM	AINER	ART UNIT	CLASS-SUBCLASS	]					
LUU, L	E HIEN	2448	725-141000						
1. Change of correspond CFR 1.363).	ence address or indication	n of "Fee Address" (37	2. For printing on the patent front page, list						
	oondence address (or Cha B/122) attached.	nge of Correspondence	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,						
"Fee Address" ind	lication (or "Fee Address" 02 or more recent) attache	" Indication form	(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.						
3. ASSIGNEE NAME A	ND RESIDENCE DATA	A TO BE PRINTED ON	■ THE PATENT (print or ty	pe)					
					nee is id	entified below, the do	cument has been filed for		
(A) NAME OF ASSI			(B) RESIDENCE: (CIT						
Please check the appropriate of the propriet o	riate assignee category or	categories (will not be pr	rinted on the patent):	Individual 🖵 C	orporatio	on or other private gro	up entity D Government		
4a. The following fee(s)	are submitted:	41	b. Payment of Fee(s): (Ple	ase first reapply a	ny previ	iously paid issue fee s	hown above)		
Issue Fee	No small entity discount p	armittad)	A check is enclosed. Payment by credit ca	rd Form PTO 2029	R is attac	had			
	# of Copies		The Director is hereb	y authorized to cha	rge the r	equired fee(s), any def	iciency, or credit any		
5. Change in Entity Ste	tus (from status indicated	d abova)	overpayment, to Dep	osit Account Numb	er	(enclose ar	extra copy of this form).		
a. Applicant claim	ns SMALL ENTITY statu	is. See 37 CFR 1.27.	<b>b</b> . Applicant is no los						
NOTE: The Issue Fee an interest as shown by the	nd Publication Fee (if required records of the United Sta	uired) will not be accepte tes Patent and Trademark	d from anyone other than Office.	the applicant; a reg	istered a	ttorney or agent; or th	e assignee or other party in		
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Alexandria, Virginia 223	513-1450.		on is required to obtain or 1.14. This collection is es depending upon the indi e Chief Information Offic COMPLETED FORMS T spond to a collection of in				by the USPTO to process) g gathering, preparing, and ne you require to complete rtment of Commerce, P.O. or Patents, P.O. Box 1450, number.		

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46/478

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/840,109	05/05/2004	Martin Weel	1116-063	9461		
71739 75	90 05/24/2011		EXAMINER			
	ERRANOVA CT DREST DRIVE , SUIT	E 160	LUU, LE HIEN			
CARY, NC 27518		ART UNIT PAPER NUMBER				
			2448			
			DATE MAILED: 05/24/201	1		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 931 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 931 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Page 3 of 3

#### **Privacy Act Statement**

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

	Application No.	Applicant(s)					
	10/8/0 109	WEEL, MARTIN					
Notice of Allowability	10/840,109 Examiner	Art Unit					
	LE LUU	2448					
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT F of the Office or upon petition by the applicant. See 37 CFR 1.31	G (OR REMAINS) CLOSED in thi or other appropriate communic RIGHTS. This application is subj and MPEP 1308.	is application. If not included ation will be mailed in due course. <b>THIS</b>					
1. X This communication is responsive to <u>papers filed on 05/1</u>	<u>7/11</u> .						
2. 🛛 The allowed claim(s) is/are <u>35,37-39,41,43,45-50,52,53 a</u>	<u>nd 59-62</u> .						
3. The drawings filed on <u>05/05/04</u> are accepted by the Exam	niner.						
<ul> <li>4. △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) △ All b) ○ Some* c) ○ None of the: <ol> <li>○ Certified copies of the priority documents have been received.</li> <li>○ Certified copies of the priority documents have been received in Application No</li> <li>○ 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)).</li> <li>* Certified copies not received:</li> </ol> </li> <li>Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.</li> <li>THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</li> </ul> 5. △ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. △ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted. <ul> <li>(a) △ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached</li> <li>(b) △ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of</li></ul>							
each sheet. Replacement sheet(s) should be labeled as such in 7.  DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT		IAL must be submitted. Note the					
Attachment(s)	. —						
1. Notice of References Cited (PTO-892)		nal Patent Application (PTO-152)					
2. Notice of Draftperson's Patent Drawing Review (PTO-948)		il Date .					
3. Information Disclosure Statements (PTO-1449 or PTO/SB/							
Paper No./Mail Date <u>05/17/11</u> 4. Examiner's Comment Regarding Requirement for Deposit	8. 🔲 Examiner's Sta	atement of Reasons for Allowance					
of Biological Material	9. 🗌 Other						
		/LE_LUU/ Primary Examiner, Art Unit 2448					
U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)	lotice of Allowability	Part of Paper No./Mail Date 20110523					

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

#### Application Number 10840109 2004-05-05 Filing Date **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2448 (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu Attorney Docket Number 1116-063

		_		U.S.I	PATENTS	Remove		
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	6587127	B1	2003-07-01	Leeke et al.			
	2	5168481		1992-12-01	Culbertson et al.			
	3	6657116	B1	2003-12-02	Gunnerson			
	4	6192340	B1	2001-02-20	Abecassis			
	5	6248946	B1	2001-06-19	Dwek			
	6	7028082	B1	2006-04-11	Rosenberg et al.			
	7	6933433	B1	2005-08-23	Porteus et al.			
	8	7277955	B2	2007-10-02	Elliott			

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./ EFS Web 2.1.17

50/478

## SAMSUNG EX. 1003

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor Martir		ı Weel		
Art Unit		2448		
Examiner Name	Le Hie	en Luu		
Attorney Docket Number		1116-063		

9	7187947	В1	2007-03-06	White et al.	
10	6064379		2000-05-16	DeMoney	
11	7472353	B1	2008-12-30	Wolff et al.	
12	6982780	B2	2006-01-03	Morley et al.	
13	7468934	B1	2008-12-23	Janik	
14	7525289	B2	2009-04-28	Janik et al.	
15	7652844	B2	2010-01-26	Edwards et al.	
16	7660601	B2	2010-02-09	Janik et al.	
17	7768234	B2	2010-08-03	Janik et al.	
18	7786705	B2	2010-08-31	Janik et al.	
19	7904579	B2	2011-03-08	Janik et al.	

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor Martir		ı Weel		
Art Unit		2448		
Examiner Name	Le Hie	en Luu		
Attorney Docket Number		1116-063		

	20	7920824	B2	2011-04	I-05	Janik et al.			
	21	5262875		1993-11	I-16	Mincer et al.			
	22	5440334		1995-08-08		Walters et al.			
	23	5710970		1998-01-20		Walters et al.			
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	1	20070180063	A1	2007-08	3-02	Qureshey et al	l.		
	2	20020013852	A1	2002-01	I-31	Janik			
	3	20020138630	A1	2002-09-26		Solomon et al.			
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Examiner Initial*		Foreign Document Number ³	Country Code ²	Intry Kind		Publication Date	Name of Patentee Applicant of cited Document		Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear

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# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2448 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

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	1	0984584	EP	A1	2000-03-08	America Online, Inc.				
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Examiner Initials*	(book magazine journal serial symposium catalog etc) date pages(s) volume-issue number(s)									
	1	KEVIN C. ALMEROTH ET AL., "An Alternative Paradigm for Scalable On-Demand Applications: Evaluating and Deploying the Interactive Multimedia Jukebox," IEEE Transactions on Knowledge and Data Engineering, Vol. 11, No. 4, July/August 1999, pages 658-672, copyright 1999 IEEE, 15 pages.								
If you wis	h to a	dd additional non-pater	nt literature docu	ment ci	tation informat	ion please click the Add I	outton Add			
			EX	AMINE	R SIGNATUR	E				
Examiner	Signa	iture /L	e Luu/			Date Considered	05/18/2011			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.										
Standard ST ⁴ Kind of doo	¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.									

## EFS Web 2.1.17 ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448
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~	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
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CL	AIM					DATE				
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Part of Paper No. :

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

✓	Rejected	-	Cancelled	N	Non-Elected	Α	Appeal
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Claims	renumbered	in the same	order as pr	esented by	applicant		🗌 СРА	🗆 т.	D. 🗆	R.1.47
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Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011	05/23/2011
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Part of Paper No. :

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Issue Classification	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

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	15		31	9	47										
	16		32	10	48										

NONE		Total Clain	ns Allowed:
(Assistant Examiner)	(Date)	1	8
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(Primary Examiner)	(Date)	1	1

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## **EAST Search History**

### EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	157	(playlist\$1 with name\$1) same attribute\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 11:58
S2	15	S1 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:01
S3	420	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S4	117	S3 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S5	81	S4 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S6	56	S5 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:18

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S7	795	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S8	405	S7 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S9	72	S8 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:26
S10	3348	PDA with (remote adj3 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:54
S11	1182	S10 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:54
S12	535	S11 and (web\$2 or webtv \$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:55
S13	14	S12 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:55

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S15	143	S14 and @ ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S16	89	S15 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S17	63	S16 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S18	1158	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S19	437	S18 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S20	85	S19 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40

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S21	4157	PDA with (remote adj3 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S22	1221	S21 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S23	565	S22 and (web\$2 or webtv \$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S24	14	S23 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S25	159	S17 or S20 or S24	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S26	494	725/141.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:41
S27	695	725/118.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:41

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S28	593	725/133.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:42
S29	8004	709/219.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:42
S30	12	S25 and (S26 or S27 or S28 or S29)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:43
S42	774	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S43	144	S42 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S44	89	S43 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S45	63	S44 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10

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S46	1219	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S47	440	S46 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S48	87	S47 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S49	4413	PDA with (remote adj3 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S50	1230	S49 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S51	572	S50 and (web\$2 or webtv \$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S52	15	S51 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10

 $file: ///Cl/Documents\%20 and\%20 Settings/lluu/My\%20 Docum...0109/EASTS earch History. 10840109_Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07:37 AMS and $100 Accessible Version.htm (6 of 9) 5/23/11 5:07 Accessible Version.htm (6 of 9) 5/23/11 5:07 Accessible Version.htm (6 of$ 

S53	162	S45 or S48 or S52	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S54	517	725/141.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S55	730	725/118.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S56	621	725/133.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S57	8491	709/219.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S58	12	S53 and (S54 or S55 or S56 or S57)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10
S59	12	S58	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/05/21 16:10

EAST Search History (Interference)

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Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S31	720	(playlist\$1) with attribute\$1	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:43
S32	332	S31 and (server\$1 and music\$1)	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:44
S33	351	playlist\$1 and (play \$3 with same\$1 with song\$1)	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:44
S34	1645	(web\$2 or webtv \$1) and (PDA with (remote adj3 control))	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S35	2299	S32 or S33 or S34	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S36	496	725/141.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S37	695	725/118.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S38	605	725/133.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S39	8090	709/219.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S40	9601	S36 or S37 or S38 or S39	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:51
S41	67	S35 and S40	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:51
S60	754	(playlist\$1) with attribute\$1	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S61	344	S60 and (server\$1 and music\$1)	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S62	381	playlist\$1 and (play \$3 with same\$1 with song\$1)	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S63	1736	(web\$2 or webtv \$1) and (PDA with (remote adj3 control))	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S64	2431	S61 or S62 or S63	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10

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S65	519	725/141.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S66	726	725/118.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S67	623	725/133.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S68	8540	709/219.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S69	10110	S65 or S66 or S67 or S68	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S70	76	S64 and S69	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10
S71	76	S70	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/05/21 16:10

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	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

# SEARCHED

Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	LL
700	94	10/21/09	LL
725	112, 134	10/21/09	LL
348	734	05/26/10	LL
725	141, 118, 133	01/10/11	LL
709	219	01/10/11	LL
725	141, 118, 133	05/21/11	LL
709	219	05/21/11	LL

SEARCH NOTES				
Search Notes	Date	Examiner		
EAST search reports	3/12/08	LL		
EAST search reports	10/10/08	LL		
EAST search reports	10/21/09	LL		
EAST search reports	01/10/11	LL		
EAST search reports	05/21/11	LL		

INTERFERENCE SEARCH					
Class	Subclass	Date	Examiner		
725	141, 118, 133	01/10/11	LL		
709	219	01/10/11	LL		
705	141, 118, 133	05/21/11	LL		
709	219	05/21/11	LL		

	/Le Luu/ Primary Examiner.Art Unit 2448
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	Filing Date		2004-05-05	
	First Named Inventor Martin		n Weel	
	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Number		1116-063	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6587127	B1	2003-07-01	Leeke et al.	
	2	5168481		1992-12-01	Culbertson et al.	
	3	6657116	B1	2003-12-02	Gunnerson	
	4	6192340	B1	2001-02-20	Abecassis	
	5	6248946	B1	2001-06-19	Dwek	
	6	7028082	B1	2006-04-11	Rosenberg et al.	
	7	6933433	B1	2005-08-23	Porteus et al.	
	8	7277955	В2	2007-10-02	Elliott	

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor Martin		n Weel		
Art Unit		2448		
Examiner Name Le Hie		en Luu		
Attorney Docket Number		1116-063		

9	7187947	B1	2007-03-06	White et al.	
10	6064379		2000-05-16	DeMoney	
11	7472353	B1	2008-12-30	Wolff et al.	
12	6982780	B2	2006-01-03	Morley et al.	
13	7468934	B1	2008-12-23	Janik	
14	7525289	B2	2009-04-28	Janik et al.	
15	7652844	B2	2010-01-26	Edwards et al.	
16	7660601	B2	2010-02-09	Janik et al.	
17	7768234	B2	2010-08-03	Janik et al.	
18	7786705	B2	2010-08-31	Janik et al.	
19	7904579	B2	2011-03-08	Janik et al.	

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2448Examiner NameLe Hien LuuAttorney Docket Number1116-063

20 B2 7920824 2011-04-05 Janik et al. 21 5262875 1993-11-16 Mincer et al. 22 5440334 1995-08-08 Walters et al. 23 5710970 1998-01-20 Walters et al. Add If you wish to add additional U.S. Patent citation information please click the Add button. Remove **U.S.PATENT APPLICATION PUBLICATIONS** Pages,Columns,Lines where Examiner Publication Kind Publication Name of Patentee or Applicant Cite No Relevant Passages or Relevant Initial* Number Code¹ Date of cited Document **Figures Appear** 20070180063 A1 1 2007-08-02 Qureshey et al. 2 20020013852 A1 2002-01-31 Janik 20020138630 3 A1 2002-09-26 Solomon et al. Add If you wish to add additional U.S. Published Application citation information please click the Add button. Remove FOREIGN PATENT DOCUMENTS Pages,Columns,Lines Name of Patentee or Examiner Cite Foreign Document Country Kind Publication where Relevant Applicant of cited T5 Initial* No Number³ Code² j Code⁴ Date Passages or Relevant Document **Figures Appear** 

# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2448 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

	1	0984584	EP	A1	2000-03-08	America Online, Inc.		
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	1       KEVIN C. ALMEROTH ET AL., "An Alternative Paradigm for Scalable On-Demand Applications: Evaluating and Deploying the Interactive Multimedia Jukebox," IEEE Transactions on Knowledge and Data Engineering, Vol. 11, No. 4, July/August 1999, pages 658-672, copyright 1999 IEEE, 15 pages.							
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¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.								

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martir	n Weel	
	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Number		1116-063	

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Ple	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):							
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).							
0	र							
	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).							
	See attached ce	rtification statement.						
	The fee set forth	in 37 CFR 1.17 (p) has been submitted here	with.					
×	A certification sta	atement is not submitted herewith.						
	SIGNATURE A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.							
Sig	nature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-05-17				
Na	Name/Print         R. Chad Bevins         Registration Number         51468							
This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.								

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- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal					
Application Number:	10	840109			
Filing Date:	05	-May-2004			
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK				
First Named Inventor/Applicant Name:	Martin Weel				
Filer:	R. Chad Bevins/Julie Smith				
Attorney Docket Number:	Attorney Docket Number: 1116-063				
Filed as Large Entity					
Utility under 35 USC 111(a) Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Extension-of-Time:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	810	810
	Tot	al in USD	) (\$)	810

Electronic Acl	Electronic Acknowledgement Receipt			
EFS ID:	10109742			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	71739			
Filer:	R. Chad Bevins/Julie Smith			
Filer Authorized By:	R. Chad Bevins			
Attorney Docket Number:	1116-063			
Receipt Date:	17-MAY-2011			
Filing Date:	05-MAY-2004			
Time Stamp:	16:14:57			
Application Type:	Utility under 35 USC 111(a)			

## Payment information:

Submitted with Payment	yes			
Payment Type	Credit Card			
Payment was successfully received in RAM	\$810			
RAM confirmation Number	2787			
Deposit Account	501732			
Authorized User BEVINS,R. CHAD				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)				
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)				

File Listin	File Listing:							
Document Number	<b>Document Description</b>	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)			
1	Request for Continued Examination (RCE)	1116-063_RCE_5-17-11.pdf	697401 3bd8ef1291e3d28d340227aa63f1ed794da 1c174	no	3			
Warnings:								
Information:								
2	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_11.PDF	612533	no	6			
	Filed (36/08)		887506092892953f71c0474d57489cea4e0 51a34					
Warnings:								
Information:								
3	Foreign Reference	EP0984584.pdf	359024	no	20			
			b5a3fcb1e40b6e7a08d92f0b18b35379a96 357f1					
Warnings:								
Information:								
4	4 NPL Documents	Kevin_Almeroth_Alternative_P aradigm.pdf	835726	no	15			
		aradigm.pdi	132b8e287c24b93ee42e78339ea2fd9173b 2e7a0					
Warnings:								
Information:								
5	Fee Worksheet (PTO-875)	fee-info.pdf	30650	no	2			
			3d4b966b46591317d6cea8f189a3e66e4b9 a11fd					
Warnings:								
Information:			1					
		Total Files Size (in bytes)	: 25	35334				
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.           New Applications Under 35 U.S.C. 111           If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.           National Stage of an International Application under 35 U.S.C. 371           If a timely submission to enter the national stage of an international application is compliant with the conditions of 35           U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.           New International Application Filed with the USPTO as a Receiving Office           If a new international application is being filed and the international application includes the necessary components for an international Application Number								
	ternational Filing Date (Form PCT/R( urity, and the date shown on this Ack on.							

#### Doc code: RCEX Doc description: Request for Continued Examination (RCE)

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL							
			(Submitte	ed Only via EFS	-Web)		
Application Number	10/840,109	Filing Date	2004-05-05	Docket Number (if applicable)	1116-063	Art Unit	2448
First Named Inventor	Martin Weel				Le Hien Luu	·	•
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV							
		S	UBMISSION RE	QUIRED UNDER 37	7 CFR 1.114		
in which they	were filed unless	applicant in		f applicant does not wi	nents enclosed with the ish to have any previou:		
	y submitted. If a f on even if this bo			g, any amendments file	ed after the final Office a	action may be cor	sidered as a
	nsider the argum	ents in the A	Appeal Brief or Rep	ly Brief previously filed	l on		
🗌 Ot	her						
<b>X</b> Enclosed							
🗌 Ar	nendment/Reply						
🗙 Inf	ormation Disclos	ure Stateme	nt (IDS)				
Aff	idavit(s)/ Declara	tion(s)					
🗌 Ot	her						
			MI	SCELLANEOUS			
				is requested under 37 nder 37 CFR 1.17(i) re	CFR 1.103(c) for a per quired)	riod of months	
Other	Other						
	FEES						
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.         Image: The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 501732							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED							
🗙 Patent	Practitioner Sigr	nature					
Applic	ant Signature						

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Signature of Registered U.S. Patent Practitioner						
Signature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-05-17			
Name	R. Chad Bevins	Registration Number	51468			

This collection of information is required by 37 CFR 1.114. 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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	<u>ed States Paten</u>	T AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22: www.usplo.gov	FOR PATENTS		
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/840,109	05/05/2004	Martin Weel	1116-063	9461		
	7590 05/05/2011 TERRANOVA CT		EXAMINER			
100 REGENCY	Y FOREST DRIVE , SU	JITE 160	LUU, LE HIEN			
CARY, NC 27:	518		ART UNIT	PAPER NUMBER		
			2448			
			MAIL DATE	DELIVERY MODE		
			05/05/2011	PAPER		

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



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.
10840109	5/5/04	WEEL, MARTIN		1116-063
				EXAMINER
	NOVA CT ST DRIVE , SUITE 160			Le Luu
CARY, NC 27518			ART UNIT	PAPER
			2448	20110502
			DATE MAILED	:

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

**Commissioner for Patents** 

The information disclosure statement (IDS) submitted on 04/26/11 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Attachments

1. Information Disclosure Statements Mail Date 04/26/11.

/Le Luu/ Primary Examiner, Art Unit 2448

PTO-90C (Rev.04-03)

81/478

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

#### Application Number 10840109 2004-05-05 Filing Date **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2448 (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu Attorney Docket Number 1116-063

				U.S.	PATENTS	Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7047092	B2	2006-05-16	Wimsatt	
	2	7248893	B2	2007-07-24	Christensen et al.	
	3	7742606	B2	2010-06-22	Kreifeldt et al.	
	4	7643894	B2	2010-01-05	Braithwaite et al.	
	5	7571014	B1	2009-08-04	Lambourne et al.	
	6	7792311	B1	2010-09-07	Holmgren et al.	
	7	D524251	S	2006-07-04	Lim et al.	
	8	D559197	s	2008-01-08	Lim et al.	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number10840109Filing Date2004-05-05First Named InventorMarti-VeelArt Unit2448Examiner NameLe Hi-r LuuAttorney Docket Number1116-063

	U.S.PATENT APPLICATION PUBLICATIONS Remove					
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040260407	A1	2004-12-23	Wimsatt	
	2	20060287746	A1	2006-12-21	Braithwaite et al.	
	3	20080109095	A1	2008-05-08	Braithwaite et al.	
	4	20080114481	A1	2008-05-15	Braithwaite et al.	
	5	20090193472	A1	2009-07-30	Braithwaite et al.	
	6	20100172512	A1	2010-07-08	Braithwaite et al.	
	7	20110026727	A1	2011-02-03	Braithwaite et al.	
	8	20110044468	A1	2011-02-24	Braithwaite et al.	
	9	20110044469	A1	2011-02-24	Braithwaite et al.	

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number		10840109	
Filing Date		2004-05-05	
First Named Inventor	Martir	n Weel	
Art Unit		2448	
Examiner Name	Le Hie	en Luu	
Attorney Docket Number		1116-063	

(Not for submission under 37 CFR 1.99)

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Examiner Initial*	Cite Foreign Document No Number ³			-	Country Kind Code ² j Code		Publication Date	Name of Patentee Applicant of cited Document	e or	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T5
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Examiner	Signa	ture	/Le Luu/					Date Conside	red	05/02/2011	
	*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.										
Standard ST ⁴ Kind of doo	¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.										

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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTC/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Ma		Martin Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name Le Hi		ien Luu	
	Attorney Docket Number		1116-063	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7047092	B2	2006-05-16	Wimsatt	
	2	7248893	B2	2007-07-24	Christensen et al.	
	3	7742606	B2	2010-06-22	Kreifeldt et al.	
	4	7643894	B2	2010-01-05	Braithwaite et al.	
	5	7571014	B1	2009-08-04	Lambourne et al.	
	6	7792311	B1	2010-09-07	Holmgren et al.	
	7	D524251	s	2006-07-04	Lim et al.	
	8	D559197	S	2008-01-08	Lim et al.	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number10840109Filing Date2004-05-05First Named InventorMarti-VeelArt Unit2448Examiner NameLe Hi-r LuuAttorney Docket Number1116-063

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Examiner Initial*	Examiner Initial* Cite No Publication Kind Number Code1		Publication Name of Patentee or Applicant of cited Document		Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear						
	1	20040260407	A1	2004-12-23	Wimsatt						
	2	20060287746	A1	2006-12-21	Braithwaite et al.						
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	4	20080114481	A1	2008-05-15	Braithwaite et al.						
	5	20090193472	A1	2009-07-30	Braithwaite et al.						
	6	20100172512	A1	2010-07-08	Braithwaite et al.						
	7	20110026727	A1	2011-02-03	Braithwaite et al.						
	8	20110044468	A1	2011-02-24	Braithwaite et al.						
	9	20110044469	A1	2011-02-24	Braithwaite et al.						

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2448Examiner NameLe Hien LuuAttorney Docket Number1116-063

(Not for submission under 37 CFR 1.99)

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English language translation is attached.

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martin		in Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name	Le Hie	Hien Luu	
	Attorney Docket Numb	er	1116-063	

	CERTIFICATION STATEMENT									
Ple	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):									
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).									
OF	OR									
X	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).									
	See attached ce	rtification statement.								
×	The fee set forth	in 37 CFR 1.17 (p) has been submitted here	with.							
	A certification sta	atement is not submitted herewith.								
		SIGNAT								
	signature of the ap n of the signature.	plicant or representative is required in accord	lance with CFR 1.33, 10.1	8. Please see CFR 1.4(d) for the						
Sig	nature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-04-26						
Nai	ne/Print	R. Chad Bevins	Registration Number	51468						
pub 1.1- app	This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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 requires the complete the public take 1.14.									

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.** 

#### **Privacy Act Statement**

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

EFS Web 2.1.17

Electronic Patent Application Fee Transmittal								
Application Number:	Application Number: 10840109							
Filing Date:	05	-May-2004						
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK							
First Named Inventor/Applicant Name:	Martin Weel							
Filer:	R. (	Chad Bevins/Julie S	mith					
Attorney Docket Number:	11	16-063						
Filed as Large Entity								
Utility under 35 USC 111(a) Filing Fees								
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)			
Basic Filing:								
Pages:								
Claims:								
Miscellaneous-Filing:								
Petition:								
Patent-Appeals-and-Interference:								
Post-Allowance-and-Post-Issuance:								
Extension-of-Time:								

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
	Total in USD (\$)			180

Electronic Acknowledgement Receipt					
EFS ID:	9956408				
Application Number:	10840109				
International Application Number:					
Confirmation Number:	9461				
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK				
First Named Inventor/Applicant Name:	Martin Weel				
Customer Number:	71739				
Filer:	R. Chad Bevins/Julie Smith				
Filer Authorized By:	R. Chad Bevins				
Attorney Docket Number:	1116-063				
Receipt Date:	26-APR-2011				
Filing Date:	05-MAY-2004				
Time Stamp:	13:07:47				
Application Type:	Utility under 35 USC 111(a)				

## Payment information:

Submitted with Payment	yes				
Payment Type	Credit Card				
Payment was successfully received in RAM	\$180				
RAM confirmation Number	10182				
Deposit Account	501732				
Authorized User	BEVINS,R. CHAD				
The Director of the USPTO is hereby authorized to charge	e indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					

File Listin	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS)	1116-063 IDS 10.PDF	612210	20	-
I	Filed (SB/08)	1110-005_105_10.PDF	cb93798f1f17d18673745b5d2b61f8f66ed1 b842	no	5
Warnings:					
Information					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30569	no	2
Z	ree worksheet (r10-6/5)	ree-into.put	3060bbda687f6106eb30cb168e5f235edbc 77285	10	2
Warnings:					
Information					
		Total Files Size (in bytes)	64	12779	
Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) a Acknowledg <u>National Sta</u> If a timely su U.S.C. 371 ar national stag <u>New Interna</u> If a new inter an internatic and of the In	d by the applicant, and including page described in MPEP 503. <u>tions Under 35 U.S.C. 111</u> lication is being filed and the applican and MPEP 506), a Filing Receipt (37 CF ement Receipt will establish the filing <u>ge of an International Application un</u> bmission to enter the national stage and other applicable requirements a Fo ge submission under 35 U.S.C. 371 wi <u>tional Application Filed with the USP</u> rotational application is being filed ar onal filing date (see PCT Article 11 an ternational Filing Date (Form PCT/RC urity, and the date shown on this Ack on.	tion includes the necessary of R 1.54) will be issued in due g date of the application. Inder 35 U.S.C. 371 of an international applicati orm PCT/DO/EO/903 indicati Il be issued in addition to the <u>TO as a Receiving Office</u> and the international applicat d MPEP 1810), a Notification D/105) will be issued in due c	components for a filin course and the date s on is compliant with ng acceptance of the e Filing Receipt, in du ion includes the nece of the International / ourse, subject to pres	g date (see hown on th the condition e course. ssary comp Application scriptions co	37 CFR is ons of 35 as a onents for Number oncerning

	ed States Patent a	AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	Trademark Office FOR PATENTS			
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
10/840,109	05/05/2004	Martin Weel	1116-063	9461			
	7590 04/08/2011 TERRANOVA CT		EXAM	INER			
100 REGENCY	FOREST DRIVE , SUIT	E 160	LUU, LI	LUU, LE HIEN			
CARY, NC 275	518		ART UNIT	PAPER NUMBER			
			2448				
			MAIL DATE	DELIVERY MODE			
			04/08/2011	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.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	/	ATTORNEY DOCKET NO.			
10840109	5/5/04	WEEL, MARTIN		1116-063			
		E	EXAMINER				
WITHROW & TERRAN		Le Luu					
CARY, NC 27518			ART UNIT	PAPER			
			2448	20110404			
			DATE MAILED:				

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**Commissioner for Patents** 

The information disclosure statement (IDS) submitted on 03/31/2011 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Attachment

1. Information Disclosure Statements Mail Date 03/31/2011.

/Le Luu/ Primary Examiner, Art Unit 2448

PTO-90C (Rev.04-03)

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

SAMSUNG EX. 1003

	PT	O/SB/	08a (01-1	0)
roved for use through	07/31/2012	OMB	0651-003	21

Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

#### Application Number 10840109 2004-05-05 Filing Date **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2448 (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu Attorney Docket Number 1116-063

				U.S.	PATENTS		Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Relevar	Columns,Lines where nt Passages or Relevant Appear
	1	5903901		1999-05-11	Kawakura et al.		
			B2	2006-04-25	Arteaga		
			B1	2006-05-16 Srivastava			
	4	7269854	B2	2007-09-11	Simmons et al.		
	5	7512702	B1	2009-03-31	Srivastava et al.		
If you wisl	n to add	additional U.S. Paten	t citatio	n information p	lease click the Add button.		Add
			U.S.P		CATION PUBLICATIONS		Remove
Examiner Initial*	Cite No	ite No Publication Kind Publication Number Code ¹ Date		Publication Date	Name of Patentee or Applicant of cited Document	Relevar	Columns,Lines where nt Passages or Relevant Appear
	1 20010039659		A1	2001-11-08	Simmons et al.		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./ EFS Web 2.1.17

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109				
Filing Date		2004-05-05				
First Named Inventor Martin		ı Weel				
Art Unit		2448				
Examiner Name Le Hie		en Luu				
Attorney Docket Number		1116-063				

	2		20040148393	A1	2004-07	7-29	Breiter et al.					
	3		20050021369	A1	2005-01-27		Cohen et al.					
	4		20050033780	A1	2005-02	2-10	Simelius et al.					
	5		20050160270	A1	2005-07	7-21	Goldberg et al.					
	6		20060085821	A9	2006-04	1-20	Simmons et al.					
	7		20060168264	A1	2006-07	7-27	Baba et al.					
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-					FOREI	GN PAT	ENT DOCUM	ENTS		Remove		
Examiner Initial*	Cite No		reign Document mber ³	Countr Code ²		Kind Code⁴	Publication Date	Name of Patentee Applicant of cited Document		where Rel	or Relevant	T5
	1											
If you wisl	h to a	dd a	dditional Foreign P	atent Do	cument	i citation	information pl	ease click the Add	button	Add		L
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Examiner Initials*	Cite No	(bc	lude name of the a ook, magazine, jour blisher, city and/or	nal, seri	al, symp	osium,	catalog, etc), c					T⁵

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# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2448 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

	1									
If you wish to add additional non-patent literature document citation information please click the Add button Add										
	EXAMINER SIGNATURE									
Examiner	Signa	ture	/Le Luu/	Date Considered	04/04/2011					
	*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									
1 See Kind C	ndes of	FLISDT	O Patent Documents at www USPTO GOV or MPER	2001.04 ² Enter office that issued the docume	nt by the two letter code (A	/IPO				

¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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98/478

PTO/SB/08a (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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#### Application Number 10840109 Filing Date 2004-05-05 **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2141 (Not for submission under 37 CFR 1.99) Examiner Name Le Hein Luu Attorney Docket Number 1116-063

	U.S.PATENTS										
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Releva	Pages,Columns,Lines where Relevant Passages or Relev Figures Appear				
/LL/	1	6946988	В2	2005-09-20	Edwards et al.						
/LL/	2	7292588	B2	2007-11-06	Milley et al.						
If you wis	h to ac	d additional U.S. Pater	nt citatio	n information p	lease click the Add button.	I	Add				
			U.S.P	ATENT APPLI	CATION PUBLICATIONS	_	Remove				
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Releva	Columns,Lin nt Passages Appear				
/LL/ nange(s) a document		2002 1 <mark>2005</mark> 0151327	A1	2002-10-17	Levitt						
5.R.R./ 5/26/11	2	20020173273	A1	2002-11-21	Spurgat et al.						
/LL/	3	20020174243	A1	2002-11-21	Spurgat et al.						
/LL/	4	20020194260	A1	2002-12-19	Headley et al.						

EFS Web 2.0

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor Martin		in Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Numb	er	1116-063	

				U.S.	PATENTS	Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5903901		1999-05-11	Kawakura et al.	
			B2	2006-04-25	Arteaga	
			B1	2006-05-16	Srivastava	
	4	7269854	B2	2007-09-11	Simmons et al.	
	5	7512702	B1	2009-03-31	Srivastava et al.	
If you wisl	h to add	additional U.S. Paten	t citatio	n information pl	ease click the Add button.	Add
			U.S.P		CATION PUBLICATIONS	Remove
Examiner Initial*	Cite No	ite No Publication Kin Number Cod		Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1 20010039659		A1 2001-11-08		Simmons et al.	

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109				
Filing Date		2004-05-05				
First Named Inventor Martin		n Weel				
Art Unit		2448				
Examiner Name	Le Hie	en Luu				
Attorney Docket Number		1116-063				

	2		20040148393	A1	2004-07	/-29	Breiter et al.					
	3		20050021369	A1	2005-01	-27	Cohen et al.					
	4		20050033780	A1	2005-02	2-10	Simelius et al.					
	5		20050160270	A1	2005-07	'-21	Goldberg et al.					
	6		20060085821	A9	2006-04	I-20	Simmons et al.					
	7		20060168264	A1	2006-07	7-27	Baba et al.					
If you wisl	n to ac	d a	dditional U.S. Publis	shed Ap	plication	n citation	n information p	lease click the Ado	d butto	n. Add		
					FOREI	GN PAT	ENT DOCUM	ENTS		Remove		
Examiner Initial*	Cite No		reign Document mber ³	Country Code ²		Kind Code⁴	Publication Date	Name of Patentee Applicant of cited Document	e or	where Rel	or Relevant	T⁵
	1											
If you wisl	n to ac	dd ae	dditional Foreign Pa	atent Do	cument	citation	information pl	ease click the Add	button	Add		I
				NON	I-PATEN			CUMENTS		Remove		
Examiner Initials*	Cite No	(bo	lude name of the au ok, magazine, jourr olisher, city and/or c	nal, seria	al, symp	osium, k	catalog, etc), c					T5

# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2448 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

	1								
If you wish to add additional non-patent literature document citation information please click the Add button Add									
EXAMINER SIGNATURE									
Examiner Signature Date Considered									
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									

¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor	Martir	n Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Number		1116-063	

CERTIFICATION STATEMENT							
Ple	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):						
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).						
OF	र						
X	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).						
	See attached cer	rtification statement.					
×	The fee set forth	in 37 CFR 1.17 (p) has been submitted here	with.				
	A certification sta	atement is not submitted herewith.					
		SIGNAT					
A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.							
Sig	nature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-03-31			
Na	me/Print	R. Chad Bevins	Registration Number	51468			
put 1.1 app	This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.						

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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Electronic Patent Application Fee Transmittal							
Application Number: 10840109							
Filing Date:	05-May-2004						
Title of Invention:		PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK					
First Named Inventor/Applicant Name:	Ma	rtin Weel					
Filer:	R. (	Chad Bevins/Julie Si	mith				
Attorney Docket Number:	1116-063						
Filed as Large Entity							
Utility under 35 USC 111(a) Filing Fees							
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)		
Basic Filing:							
Pages:							
Claims:							
Miscellaneous-Filing:							
Petition:							
Patent-Appeals-and-Interference:							
Post-Allowance-and-Post-Issuance:							
Extension-of-Time:							

Description	Fee Code	Quantity Amount		Sub-Total in USD(\$)	
Miscellaneous:					
Submission- Information Disclosure Stmt	1806 1 180			180	
	Total in USD (\$)			180	

Electronic Acknowledgement Receipt				
EFS ID:	9782823			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	71739			
Filer:	R. Chad Bevins/Julie Smith			
Filer Authorized By:	R. Chad Bevins			
Attorney Docket Number:	1116-063			
Receipt Date:	31-MAR-2011			
Filing Date:	05-MAY-2004			
Time Stamp:	15:03:26			
Application Type:	Utility under 35 USC 111(a)			

## Payment information:

Submitted with Payment	yes			
Payment Type	Credit Card			
Payment was successfully received in RAM	\$180			
RAM confirmation Number	1266			
Deposit Account	501732			
Authorized User	BEVINS,R. CHAD			
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)				

File Listin	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Multi Message Digest Part /.zip		Pages (if appl.)
1	Information Disclosure Statement (IDS)	1116-063_IDS_9.PDF	611931	no	5
	Filed (SB/08)		979a007292c01a9857aefa2549a7fe59bdb8 b7b7		
Warnings:					
Information					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30577	no	2
	· · ·		b638d5801516fb298c35a6c3cc34b3e8a6c 1f4af		
Warnings:					
Information					
		Total Files Size (in bytes)	64	12508	
Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) at Acknowledg <u>National Sta</u> If a timely su U.S.C. 371 ar national stag <u>New Internat</u> If a new inter an internatic and of the In	d by the applicant, and including page described in MPEP 503. <u>tions Under 35 U.S.C. 111</u> lication is being filed and the applican nd MPEP 506), a Filing Receipt (37 CF ement Receipt will establish the filing ge of an International Application un bmission to enter the national stage nd other applicable requirements a F ge submission under 35 U.S.C. 371 wi <u>tional Application Filed with the USP</u> rnational application is being filed ar onal filing date (see PCT Article 11 an ternational Filing Date (Form PCT/RC urity, and the date shown on this Ack on.	tion includes the necessary of R 1.54) will be issued in due g date of the application. Inder 35 U.S.C. 371 of an international applicati orm PCT/DO/EO/903 indicati Il be issued in addition to the <u>TO as a Receiving Office</u> and the international applicat d MPEP 1810), a Notification D/105) will be issued in due c	components for a filin course and the date s on is compliant with ng acceptance of the e Filing Receipt, in du ion includes the nece of the International / ourse, subject to pres	g date (see hown on th the condition e course. ssary comp Application scriptions co	37 CFR is ons of 35 as a onents for Number oncerning

Change(s) applied to document, /M.C.E./ 3/25/2011

### PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

### **RELATED APPLICATIONS**

**[0001]** This patent application is being co-filed on the same date as the patent applications entitled "Hybrid Set-Top Box for Digital Entertainment Network" (Rutan & Tucker, LLP docket no. 021055.0007US1), "Device Discovery for Digital Entertainment Network" (Rutan & Tucker, LLP docket no. 021055.0006US1), and "System and Method for Sharing Playlists" (Rutan & Tucker, LLP docket no. 021055.0004US1).

#### FIELD OF THE INVENTION

**[0002]** The present invention relates generally to a method and system for playing music. The present invention relates more particularly to a digital entertainment network wherein playlists are obtained by communicating attributes of the playlists to a playlist server and wherein songs are obtained by communicating information representative of the songs to a content server.

#### **BACKGROUND OF THE INVENTION**

**[0003]** Traditionally, music has been provided to listeners by either a broadcast method or a purchase method. According to the broadcast method, music is broadcast to listeners by such means as radio and cable systems. The owners of the music are typically compensated by the broadcaster via either the American Society of Composers, Authors and Publishers (ASCAP) or Broadcast Music Incorporated (BMI). These two agencies monitor the playing of music by broadcasters, collect royalties from the broadcasters, and distribute the royalties to the copyright owners of the music.

[0004] However, according to the broadcast method the listener has little or no control over which selections are played. Generally, a listener must tune in to a radio

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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

### NOTICE OF ALLOWANCE AND FEE(S) DUE

71739 7590 02/18/2011 WITHROW & TERRANOVA CT 100 REGENCY FOREST DRIVE , SUITE 160 CARY, NC 27518

EXAMINER								
LUU, LE HIEN								
ART UNIT	PAPER NUMBER							

2448

DATE MAILED: 02/18/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	05/18/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS</u> <u>STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 02/11)

#### PART B - FEE(S) TRANSMITTAL

#### Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

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INSTRUCTIONS: This appropriate. All further of indicated unless corrected maintenance fee notificati	d below or directed oth	or transmitting the ISSI g the Patent, advance o erwise in Block 1, by (	UE FEE and PUBLIC orders and notification (a) specifying a new c	CATIO of m orresp	ON FEE (if require naintenance fees with pondence address; a	ed). B ll be 1 and/or	locks 1 through 5 sh nailed to the current (b) indicating a separ	ould be completed where correspondence address as rate "FEE ADDRESS" for	
	INCE ADDRESS (Note: Use Blo	ick 1 for any change of address)	Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must						
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								(Depositor's name)	
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								(Date)	
APPLICATION NO.	FILING DATE		FIRST NAMED INVEN	TOR		ATTO	RNEY DOCKET NO.	CONFIRMATION NO.	
10/840,109	05/05/2004	I	Martin Weel				1116-063	9461	
TITLE OF INVENTION:	PLAYLIST DOWNLO	ADING FOR DIGITAL	ENTERTAINMENT	NETV	WORK				
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE I	DUE	PREV. PAID ISSUE	FEE	TOTAL FEE(S) DUE	DATE DUE	
nonprovisional	YES	\$755	\$300		\$0		\$1055	05/18/2011	
EXAMI	EXAMINER ART U		CLASS-SUBCLASS	3					
LUU, LE	EHIEN	2448	725-141000						
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<ol> <li>ASSIGNEE NAME AN PLEASE NOTE: Unle recordation as set forth (A) NAME OF ASSIG</li> <li>Please check the appropriation</li> </ol>	ess an assignee is identi 1 in 37 CFR 3.11. Comp iNEE	fied below, no assignee letion of this form is NO	data will appear on t T a substitute for filin (B) RESIDENCE: ((	he pa g an a CITY	ttent. If an assigned issignment. and STATE OR CC	DUNT	RY)	cument has been filed for up entity 📮 Government	
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NOTE: The Issue Fee and interest as shown by the re	l Publication Fee (if requestion for the United States of the United Sta	ired) will not be accepte es Patent and Trademark	ed from anyone other tl k Office.	han th	ne applicant; a regist	tered a	ttorney or agent; or the	e assignee or other party in	
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OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	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 Addressi COMMISSIONER FOR PATENTS P.O. Box 1450 Material Virginia 22313-1450 www.uspto.gov											
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/840,109	05/05/2004	Martin Weel	1116-063	9461								
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CARY, NC 27518			ART UNIT	PAPER NUMBER								
			2448									
			DATE MAILED: 02/18/201	1								

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 931 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 931 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Page 3 of 3

### **Privacy Act Statement**

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

	Application No.	Applicant(s)							
	10/840,109	WEEL, MARTIN							
Notice of Allowability	Examiner	Art Unit							
	Le Luu	2448							
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313 1. X This communication is responsive to <u>papers filed on 02/02</u>	OR REMAINS) CLOSED in th ) or other appropriate communic <b>IIGHTS.</b> This application is subj 3 and MPEP 1308.	is application. If not included cation will be mailed in due course. <b>THIS</b>							
2. 🔀 The allowed claim(s) is/are <u>35,37-39,41,43,45-50,52,53 a</u>	nd 59-62.								
3. X The drawings filed on <u>05 May 2004</u> are accepted by the E	xaminer.								
<ul> <li>4. △ Acknowledgment is made of a claim for foreign priority u <ul> <li>a) △ All</li> <li>b) △ Some*</li> <li>c) △ None of the:</li> <li>1. △ Certified copies of the priority documents hav</li> <li>2. △ Certified copies of the priority documents hav</li> <li>3. △ Copies of the certified copies of the priority documents hav</li> <li>3. △ Copies of the certified copies of the priority documents hav</li> <li>a. △ Copies of the certified copies of the priority documents hav</li> <li>a. △ Copies of the certified copies of the priority documents hav</li> <li>a. △ Copies of the certified copies of the priority documents hav</li> <li>a. △ Copies of the certified copies of the priority documents hav</li> <li>certified copies not received:</li> </ul> Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. △ A SUBSTITUTE OATH OR DECLARATION must be submin INFORMAL PATENT APPLICATION (PTO-152) which giv 6. ○ CORRECTED DRAWINGS (as "replacement sheets") mu <ul> <li>(a) △ including changes required by the Notice of Draftsper</li> <li>1) △ hereto or 2) △ to Paper No./Mail Date</li> </ul></li></ul>	e been received. e been received in Application N bocuments have been received in ' of this communication to file a n MENT of this application. nitted. Note the attached EXAMI res reason(s) why the oath or de st be submitted. son's Patent Drawing Review ( I	No this national stage application from the reply complying with the requirements NER'S AMENDMENT or NOTICE OF eclaration is deficient. PTO-948) attached							
(b) ☐ including changes required by the attached Examiner Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR ⁻ each sheet. Replacement sheet(s) should be labeled as such in ⁻	1.84(c)) should be written on the c	Irawings in the front (not the back) of							
7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT									
Attachment(s)       5. Notice of Informal Patent Application (PTO-152)         1. Notice of Draftperson's Patent Drawing Review (PTO-948)       5. Notice of Informal Patent Application (PTO-152)         2. Notice of Draftperson's Patent Drawing Review (PTO-948)       6. Interview Summary (PTO-413), Paper No./Mail Date         3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 02/02/11       7. Examiner's Amendment/Comment         4. Examiner's Comment Regarding Requirement for Deposit of Biological Material       8. Examiner's Statement of Reasons for Allowance         9. Other       /Le Luu/ Primary Examiner, Art Unit 2448									
U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04) N	otice of Allowability	Part of Paper No./Mail Date 20110211							

SAMSUNG EX. 1003

	Application/Control No.	Applicant(s)/Patent Under Reexamination				
Index of Claims	10840109	WEEL, MARTIN				
	Examiner	Art Unit				
	Le Luu	2448				

1	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	I	Interference	0	Objected

CL	AIM	DATE										
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011			
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Part of Paper No. : 20110211

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

~	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	I	Interference	0	Objected

Claims	renumbered	in the same	order as pr	esented by	applicant		🗌 CPA 🔲 T.D. 🔲 R.1.47				
CL	AIM					DATE	 E				
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011		
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3	38	√	√	~	√	~	~	=	=		
4	39	√	√	√	√	~	~	=	=		
	40	√	-	-	-	-	-	-	-		
5	41	√	√	√	√	~	~	=	=		
	42	√	-	-	-	-	-	-	-		
6	43	√	√	~	√	~	~	=	=		
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9	47	√	√	~	√	~	~	=	=		
10	48	√	√	√	√	~	~	=	=		
11	49	✓	√	~	√	~	~	=	=		
12	50	✓	√	~	√	~	~	=	=		
	51	√	√	√	✓	~	-	-	-		
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14	53	√	√	~	√	✓	~	=	=		
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15	62					√	√	=	=		

U.S. Patent and Trademark Office

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Part of Paper No. : 20110211

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

## SEARCHED

Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	LL
700	94	10/21/09	LL
725	112, 134	10/21/09	LL
348	734	05/26/10	LL
725	141, 118, 133	01/10/11	LL
709	219	01/10/11	LL

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search reports	3/12/08	LL
EAST search reports	10/10/08	LL
EAST search reports	10/21/09	LL
EAST search reports	01/10/11	LL

INTERFERENCE SEARCH								
Class	Subclass	Date	Examiner					
725	141, 118, 133	01/10/11	LL					
709	219	01/10/11	LL					

U.S. Patent and Trademark Office

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Part of Paper No. : 20110114

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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

#### 10840109 Application Number 2004-05-05 Filing Date **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2448 (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu Attorney Docket Number 1116-063

	U.S.PATENTS								
Examiner Initial*			Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear			
	1	5796727	1	1998-08-18	Harrison et al.				
	2	5949776	1	1999-09-07	Mahany et al.				
	3	6675015	B1	2004-01-06	Martini et al.				
	4	6876642	B1	2005-04-05	Adams et al.				
	5	6937860	B2	2005-08-30	Jahn				
	6	6947571	B1	2005-09-20	Rhoads et al.				
	7	6954443	B2	2005-10-11	Forstadius et al.				
	8	6975266	B2	2005-12-13	Abraham et al.				

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./ EFS Web 2.1.17

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor	Martir	n Weel		
Art Unit		2448		
Examiner Name Le Hi		en Luu		
Attorney Docket Numb	er	1116-063		

	9	7260638	B2	2007-08-21	Crosbie	
	10	7340768	B2	2008-03-04	Rosenberger	
	11	7343160	B2	2008-03-11	Morton	
	12	6993532	B1	2006-01-31	Platt et al.	
If you wis	h to add	additional U.S. Paten		-	ease click the Add button.	Add
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040225519	A1	2004-11-11	Martin	
	2	20060212478	A1	2006-09-21	Plastina et al.	
	3	20030022675	A1	2003-01-30	Mergler	
	4	20030050062	A1	2003-03-13	Chen et al.	
	5	20030229549	A1	2003-12-11	Wolinsky et al.	

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119/478

SAMSUNG EX. 1003

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor Martir		n Weel		
Art Unit		2448		
Examiner Name Le Hi		en Luu		
Attorney Docket Numb	er	1116-063		

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	6	20040107219	A1	2004-06	6-03	Rosenberger					
	7	20040160307	A1	2004-08	3-19	Saikkonen et al.					
	8	20050059379	A1	2005-03	3-17	Sovio et al.					
	9	20050245233	A1	2005-11	-03	Anderson					
	10	20060212442	A1	2006-09	9-21	Conrad et al.					
	11	20050021470	A1	2005-01	-27	Martin et al.					
	12	20040260786	A1	2004-12	2-23	Barile					
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				FOREI	GN PAT	ENT DOCUM	ENTS	Ι	Remove		
Examiner Initial*	Cite No	Foreign Document Number ³	Countr Code ²		Kind Code⁴	Publication Date	Name of Patentee Applicant of cited Document	°or ∣wł ∣Pa	nere Rele	or Relevant	Т5
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120/478

SAMSUNG EX. 1003

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martin		Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name Le Hi		lien Luu	
	Attorney Docket Number		1116-063	

Examiner Initials*	Cite No	(book magazine journal serial symposium catalog etc) date pages(s) volume-issue number(s)							
	1								
If you wis	h to ao	d additior	nal non-patent literature document	citation information please click the Add b	outton Add				
			EXAMIN	IER SIGNATURE					
Examiner	Examiner Signature /Le Luu/ Date Considered place-signed=02/11/2011								
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									

¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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	Application/Control No.	Applicant(s)/Patent Under Reexamination
Issue Classification	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

	ORIGINAL						INTERNATIONAL CLASSIFICATION							ON	
	CLASS SUBCLASS				CLAIMED						NON-CLAIMED			CLAIMED	
725			141			н	0	4	Ν	7 / 173 (2011.0)					
CROSS REFERENCE(S)															
CLASS	SUB	CLASS (ONE	SUBCLAS	S PER BLO	CK)										
725	133	118													
709	219														

	Claims re	numbere	d in the s	ame orde	r as prese	ented by a	applicant		СР	A C	] T.D.	Γ	<b>R.1</b> .	47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17		33	11	49								
	2		18		34	12	50								
	3		19	1	35		51								
	4		20		36	13	52								
	5		21	2	37	14	53								
	6		22	3	38		54								
	7		23	4	39		55								
	8		24		40		56								
	9		25	5	41		57								
	10		26		42		58								
	11		27	6	43	16	59								
	12		28		44	17	60								
	13		29	7	45	18	61								
	14		30	8	46	15	62								
	15		31	9	47										
	16		32	10	48										

NONE		Total Clain	ns Allowed:
(Assistant Examiner)	(Date)	1	8
/Le Luu/ Primary Examiner.Art Unit 2448	02/11/2011	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No. 20110211

#### Doc code: RCEX Doc description: Request for Continued Examination (RCE)

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL									
			(Submitte	ed Only via EFS	-Web)				
Application Number	10/840,109	Filing Date	2004-05-05	Docket Number (if applicable)	1116-063	Art Unit	2448		
First Named Inventor	Martin Weel	·		Examiner Name	Le Hien Luu				
Request for C	This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV								
		S	SUBMISSION RE	QUIRED UNDER 37	7 CFR 1.114				
in which they	were filed unless	applicant in		f applicant does not wi	nents enclosed with the ish to have any previous				
	y submitted. If a f on even if this bo			, any amendments file	ed after the final Office a	action may be cor	isidered as a		
□ Co	nsider the argum	ents in the A	Appeal Brief or Rep	ly Brief previously filed	l on				
🗌 Otl	ner								
<b>X</b> Enclosed									
An	nendment/Reply								
🗙 Info	ormation Disclos	ure Stateme	nt (IDS)						
Aff	idavit(s)/ Declara	tion(s)							
🗌 Ot	her								
			М	SCELLANEOUS					
				s requested under 37 nder 37 CFR 1.17(i) re	CFR 1.103(c) for a peri quired)	iod of months			
Other									
				FEES					
🗙 The Dire	The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.								
		SIGNATU	RE OF APPLICAI	NT, ATTORNEY, OF	R AGENT REQUIRED	)			
🗙 Patent	Practitioner Sigr	nature							
	ant Signature								

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Signature of Registered U.S. Patent Practitioner								
Signature	/Eric P. Jensen/	Date (YYYY-MM-DD)	2011-02-02					
Name	Eric P. Jensen	Registration Number	37647					

This collection of information is required by 37 CFR 1.114. 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.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

### **Privacy Act Statement**

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE	Application Number		10840109		
	Filing Date		2004-05-05		
	First Named Inventor Martin		n Weel		
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448		
	Examiner Name	Le Hie	en Luu		
	Attorney Docket Numb	er	1116-063		

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5796727	1	1998-08-18	Harrison et al.	
	2	5949776	1	1999-09-07	Mahany et al.	
	3	6675015	B1	2004-01-06	Martini et al.	
	4	6876642	B1	2005-04-05	Adams et al.	
	5	6937860	B2	2005-08-30	Jahn	
	6	6947571	B1	2005-09-20	Rhoads et al.	
	7	6954443	В2	2005-10-11	Forstadius et al.	
	8	6975266	В2	2005-12-13	Abraham et al.	

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

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First Named Inventor Martir		ı Weel		
Art Unit		2448		
Examiner Name Le Hid		en Luu		
Attorney Docket Numb	er	1116-063		

	9	7260638	B2	2007-08-21	Crosbie	
	10	10 7340768		2008-03-04	Rosenberger	
	11	7343160	B2	2008-03-11	Morton	
	12	6993532	B1	2006-01-31	Platt et al.	
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			0.5.P		CATION PUBLICATIONS	Ineniove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040225519	A1	2004-11-11	Martin	
	2	20060212478	A1	2006-09-21	Plastina et al.	
	3	20030022675	A1	2003-01-30	Mergler	
	4	20030050062	A1	2003-03-13	Chen et al.	
	5	20030229549	A1	2003-12-11	Wolinsky et al.	

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Art Unit		2448		
Examiner Name Le Hie		en Luu		
Attorney Docket Number		1116-063		

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	6	20040107219	A1	2004-06	6-03	Rosenberger						
	7	20040160307	A1	2004-08	3-19	Saikkonen et al.						
	8	20050059379	A1	2005-03	3-17	Sovio et al.		Sovio et al.				
	9	20050245233	A1	2005-11	I-03	Anderson						
	10	20060212442	A1	2006-09	)-21	Conrad et al.						
	11	20050021470	A1	2005-01	I-27	Martin et al.						
	12	20040260786	A1	2004-12	2-23	Barile						
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				FOREI	GN PAT		ENTS		Remove			
Examiner Initial*	Cite No	Foreign Document Number ³	Countr Code ²		Kind Code⁴	Publication Name of Patentee		e or	Pages,Column where Relevar Passages or R Figures Appea	it elevant ^{T⁵}		
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	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martin		n Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Number		1116-063	

Examiner Initials* Cite No lnclude name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.					T⁵					
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If you wis	If you wish to add additional non-patent literature document citation information please click the Add button Add									
	EXAMINER SIGNATURE									
Examiner	Examiner Signature Date Considered place-signed=									
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.										

¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martir		n Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2448	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Number		1116-063	

	CERTIFICATION STATEMENT						
Ple	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):						
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).						
OF	R						
	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).						
	See attached ce	rtification statement.					
	The fee set forth	in 37 CFR 1.17 (p) has been submitted here	with.				
×	A certification sta	atement is not submitted herewith.					
	ignature of the on	SIGNAT plicant or representative is required in accord		8 Plagge cap CEP 1 4(d) for the			
	n of the signature.		ance with CFR 1.35, 10.1	o. Flease see CFR 1.4(d) for the			
Sig	nature	/Eric P. Jensen/	Date (YYYY-MM-DD)	2011-02-02			
Nar	Name/Print Eric P. Jensen Registration Number 37,647						
pub 1.14 app req	This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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						

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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The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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Electronic Patent Application Fee Transmittal						
Application Number:	10	840109				
Filing Date:	05	-May-2004				
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK					
First Named Inventor/Applicant Name:	wentor/Applicant Name: Martin Weel					
Filer:	Benjamin Withrow/Sarah Breeze					
Attorney Docket Number:	11	16-063				
Filed as Large Entity						
Utility under 35 USC 111(a) Filing Fees						
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
Basic Filing:						
Pages:						
Claims:						
Miscellaneous-Filing:						
Petition:						
Patent-Appeals-and-Interference:	Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:						
Extension-of-Time:						

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	810	810
	Total in USD (\$)			810

Electronic Acknowledgement Receipt				
EFS ID:	9360637			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	71739			
Filer:	Benjamin Withrow/Sarah Breeze			
Filer Authorized By:	Benjamin Withrow			
Attorney Docket Number:	1116-063			
Receipt Date:	02-FEB-2011			
Filing Date:	05-MAY-2004			
Time Stamp:	13:53:46			
Application Type:	Utility under 35 USC 111(a)			

## Payment information:

Submitted with Payment	yes			
Payment Type	Credit Card			
Payment was successfully received in RAM	\$810			
RAM confirmation Number	96			
Deposit Account	501732			
Authorized User	JENSEN,ERIC P.			
The Director of the USPTO is hereby authorized to charge	e indicated fees and credit any overpayment as follows:			
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)				
Charge any Additional Fees required under 37 C.F.R. Se	ction 1.17 (Patent application and reexamination processing fees)			

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listin	g:						
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)		
1	Request for Continued Examination	1116-063_RCE_Filed_2-2-11.	697393		2		
1	(RCE)	pdf	64bfe9364509bb8fec5b7f7aca71ef25b069 9b8f	no	3		
Warnings:			<u> </u>				
Information							
2	Information Disclosure Statement (IDS)		612417		ć		
2	Filed (SB/08)	1116-063_IDS_8.PDF	0f683515474e6a9c8e65937f58ea50b8fe70 b048	no	6		
Warnings:			· · · · ·				
Information							
3	Fee Worksheet (PTO-875)	fee-info.pdf	30679	20	2		
2	ree worksheet (r10-673)	ree-into.put	933eb43b4bca9f14f3a411ce82d68e5416a3 c108	no	2		
Warnings:			<u> </u>	I			
Information							
		Total Files Size (in bytes)	<b>:</b> 13 [.]	40489			
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.							
If a timely su U.S.C. 371 ar national stag <u>New Interna</u> If a new inter an internation and of the In	ge of an International Application un bmission to enter the national stage of other applicable requirements a Fo ge submission under 35 U.S.C. 371 wi tional Application Filed with the USP mational application is being filed ar onal filing date (see PCT Article 11 and ternational Filing Date (Form PCT/RC urity, and the date shown on this Ack on.	of an international applicati orm PCT/DO/EO/903 indicati II be issued in addition to th <u>TO as a Receiving Office</u> nd the international applicat d MPEP 1810), a Notification D/105) will be issued in due c	ing acceptance of the e Filing Receipt, in du ion includes the nece of the International <i>I</i> ourse, subject to pres	application e course. ssary comp Application scriptions co	onents for Number Docerning		



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

### NOTICE OF ALLOWANCE AND FEE(S) DUE

 71739
 7590
 01/21/2011

 WITHROW & TERRANOVA CT
 100 REGENCY FOREST DRIVE , SUITE 160
 CARY, NC 27518

EXAMINER				
LUU, LE HIEN				
ART UNIT	PAPER NUMBER			
2448				

DATE MAILED: 01/21/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	04/21/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

#### PART B - FEE(S) TRANSMITTAL

#### Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

				or <u>Fax</u>	(57	1)-273-2885	inna 2	2313-1430	
INSTRUCTIONS: This appropriate. All further indicated unless correct maintenance fee notifica	ed below or directed oth	or tran ig the ierwise	smitting the ISS Patent, advance o in Block 1, by (	UE FEE and PUBLIC orders and notification (a) specifying a new co	CATI of n orres	ON FEE (if requi naintenance fees w pondence address;	ired). I /ill be and/o	Blocks 1 through 5 sh mailed to the current r (b) indicating a sepa	ould be completed where correspondence address as rate "FEE ADDRESS" for
	ENCE ADDRESS (Note: Use Bl		any change of address)		Fee(	s) Transmittal. Thi	is certif	ficate cannot be used for	r domestic mailings of the or any other accompanying at or formal drawing, must
	TERRANOVA C FOREST DRIVE , 18	T	Е 160		I her State addr trans	Cer reby certify that th es Postal Service w ressed to the Mail smitted to the USP	tificate is Fee( vith suf Stop FO (57	e of Mailing or Transu s) Transmittal is being ficient postage for firs ISSUE FEE address 1) 273-2885, on the da	nission deposited with the United t class mail in an envelope above, or being facsimile tte indicated below.
									(Depositor's name)
									(Signature)
									(Date)
APPLICATION NO.	APPLICATION NO. FILING DATE FIRST NAME			FIRST NAMED INVEN	TOR		ATTO	RNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004			Martin Weel				1116-063	9461
TITLE OF INVENTION	: PLAYLIST DOWNLC	)ADIN(	G FOR DIGITAL	ENTERTAINMENTI	NET	WORK			
APPLN. TYPE	SMALL ENTITY	IS	SUE FEE DUE	PUBLICATION FEE D	UE	PREV. PAID ISSUI	E FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES		\$755	\$300		\$0		\$1055	04/21/2011
EXAM	EXAMINER ART UNIT CLASS-SUBCLAS		CLASS-SUBCLASS						
LUU, L	E HIEN		2448	709-219000					
"Fee Address" ind	ondence address (or Cha 3/122) attached. ication (or "Fee Address )2 or more recent) attach	" Indica	ation form	<ol> <li>the names of u or agents OR, alter</li> <li>the name of a s registered attorney</li> <li>registered patent listed, no name wil</li> </ol>	nativ ingle or a atto	vely, e firm (having as a gent) and the nam rneys or agents. If	memb es of u	per a 2 p to	
recordation as set fort (A) NAME OF ASSI	less an assignee is ident h in 37 CFR 3.11. Comp GNEE	ified be detion	elow, no assignee of this form is NC	data will appear on the data will appear on the data of the data o	he pa g an a	atent. If an assign assignment. and STATE OR C	OUNI	RY)	ocument has been filed for
Please check the appropr	iate assignee category or	catego	ries (will not be p	rinted on the patent):		Individual 🖵 Co	orporati	ion or other private gro	up entity 🖵 Government
	are submitted: To small entity discount <u>r</u> # of Copies			<ul> <li>b. Payment of Fee(s): (</li> <li>A check is enclos</li> <li>Payment by credi</li> <li>The Director is here</li> </ul>	ed. t car	d. Form PTO-2038	is atta	• •	
				overpayment, to I	Depo	sit Account Numbe	er	(enclose ar	extra copy of this form).
5. Change in Entity Sta	<b>tus</b> (from status indicate s SMALL ENTITY stati		·	b. Applicant is no	lon	ger claiming SMAI	L EN	FITY status. See 37 CF	R 1.27(g)(2).
NOTE: The Issue Fee an interest as shown by the	d Publication Fee (if req records of the United Sta	uired) v tes Pate	vill not be accepte ent and Trademarl	ed from anyone other th					e assignee or other party in
Authorized Signature						Date			
	e								
This collection of inform an application. Confiden submitting the complete this form and/or suggesti Box 1450, Alexandria, V Alexandria, Virginia 223 Under the Paperwork Re	13-1450.								by the USPTO to process) g gathering, preparing, and he you require to complete rtment of Commerce, P.O. or Patents, P.O. Box 1450, number.

OMB 0651-0033

137/478

1-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	ited States Pate	NT AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P. O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461
71739 7:	590 01/21/2011	EXAMINER		
WITHROW & T	ERRANOVA CT	LUU, LE HIEN		
	OREST DRIVE , SUIT	ART UNIT PAPER NUMBER		
CARY, NC 27518			2448	
			DATE MAILED: 01/21/201	1

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 931 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 931 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Page 3 of 3

Notice of Allowability       10/840,109       WEEL, MARTIN         Examiner       Art Unit       Le Luu       2448         The MAILING DATE of this communication appears on the cover sheet with the correspondence address-       All claims being allowable, PROSECUTION ON THE MERTS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course, THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiat of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.         1. Image: The allowed claim(s) is/are 35,37-39,41,43,45-50,52,53 and 59-62.       3.         2. Image: The drawings filed on 05 May 2004 are accepted by the Examiner.       4.         4. Chrowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).       a) All b) Some* c) None of the:         1. Certified copies of the priority documents have been received.       .       .         2. Certified copies of the priority documents have been received in Application No							
Notice of Allowability         Examiner         Art Unit           Le Luu         2448           The MAILING DATE of this communication appears on the cover sheet with the correspondence address           All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included           herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS           NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiat           of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.           1.  ☐ This communication is responsive to papers filed on 11/08/10.           2.  ☐ The allowed claim(s) is/are 35.37-39.41.43.45-50.52.53 and 59-62.           3.  ☐ The drawings filed on 05 May 2004 are accepted by the Examiner.           4.  ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).           a)  ☐ All b) ☐ Some* c) ☐ None of the:           1.  ☐ Certified copies of the priority documents have been received.           2.  ☐ Cotified copies of the priority documents have been received in Application No							
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Attachment(s)       5. Notice of Informal Patent Application (PTO-152)         1. Notice of References Cited (PTO-892)       5. Notice of Informal Patent Application (PTO-152)         2. Notice of Draftperson's Patent Drawing Review (PTO-948)       6. Interview Summary (PTO-413), Paper No./Mail Date         3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 08/12/10       7. Examiner's Amendment/Comment         4. Examiner's Comment Regarding Requirement for Deposit of Biological Material       8. Examiner's Statement of Reasons for Allowance         9. Other       /Le Luu/ Primary Examiner, Art Unit 2448							
U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04) Notice of Allowability Part of Paper No./Mail Date 20110							

SAMSUNG EX. 1003

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

# SEARCHED

Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	LL
700	94	10/21/09	LL
725	112, 134	10/21/09	LL
348	734	05/26/10	LL
725	141, 118, 133	01/10/11	LL
709	219	01/10/11	LL

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search reports	3/12/08	LL
EAST search reports	10/10/08	LL
EAST search reports	10/21/09	LL
EAST search reports	01/10/11	LL

	INTERFERENCE SEARCH		
Class	Subclass	Date	Examiner
725	141, 118, 133	01/10/11	LL
709	219	01/10/11	LL

	/Le Luu/ Primary Examiner.Art Unit 2448
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U.S. Patent and Trademark Office

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Part of Paper No. : 20110114

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	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

~	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	I	Interference	0	Objected

CLAIM		DATE										
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009		05/26/2010	01/14/2011		1		
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U.S. Patent and Trademark Office

Part of Paper No. : 20110114

	Application/Control No.	Applicant(s)/Patent Under Reexamination			
Index of Claims	10840109	WEEL, MARTIN			
	Examiner	Art Unit			
	Le Luu	2448			

~	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	-	Restricted	Ι	Interference	0	Objected

□ Claims renumbered in the same order as presented by applicant							🗌 СРА	🗌 T.D.	R.1.47
CL	AIM					DATE			
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	
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17	60				~	√	~	=	
18	61				~	√	~	=	
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Part of Paper No. : 20110114

## **EAST Search History**

### EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	157	(playlist\$1 with name\$1) same attribute\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 11:58
S2	15	S1 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:01
S3	420	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S4	117	S3 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S5	81	S4 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S6	56	S5 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:18

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S7	795	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S8	405	S7 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S9	72	S8 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:26
S10	3348	PDA with (remote adj3 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:54
S11	1182	S10 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:54
S12	535	S11 and (web\$2 or webtv \$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:55
S13	14	S12 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:55

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S14	731	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S15	143	S14 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S16	89	S15 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S17	63	S16 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S18	1158	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S19	437	S18 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S20	85	S19 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40

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S21	4157	PDA with (remote adj3 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S22	1221	S21 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S23	565	S22 and (web\$2 or webtv \$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S24	14	S23 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S25	159	S17 or S20 or S24	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:40
S26	494	725/141.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:41
S27	695	725/118.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:41

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S30	12	S25 and (S26 or S27 or S28 or S29)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:43

# EAST Search History (Interference)

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S31	720	(playlist\$1) with attribute\$1	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:43
S32	332	S31 and (server\$1 and music\$1)	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:44
S33	351	playlist\$1 and (play \$3 with same\$1 with song\$1)	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:44
S34	1645	(web\$2 or webtv\$1) and (PDA with (remote adj3 control))	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S35	2299	S32 or S33 or S34	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S36	496	725/141.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S37	695	725/118.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S38	605	725/133.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45

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S41	67	S35 and S40	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:51

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	Application/Control No.	Applicant(s)/Patent Under Reexamination
Issue Classification	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

	ORIGINAL						INTERNATIONAL CLASSIFICATION								ON	
	CLASS SUBCLASS					CLAIMED							NON-CLAIMED			
725			141			н	0	4	Ν	7 / 173 (2011.01.01)						
	CROSS REFERENCE(S)										-					
CLASS	SI	JBCLASS (ONI	E SUBCLAS	S PER BLO	CK)											
725	133	118														
709	219															

	Claims renumbered in the same order as presented by applicant								СР	A C	] T.D.	[	] R.1.	47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	15		31	9	47										
	16		32	10	48										

NONE		Total Claims Allowed:			
(Assistant Examiner)	(Date)	1	8		
/Le Luu/ Primary Examiner.Art Unit 2448	01/14/2011	O.G. Print Claim(s)	O.G. Print Figure		
(Primary Examiner)	(Date)	1	1		

U.S. Patent and Trademark Office

Part of Paper No. 20110114

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		10840109		
	Filing Date		2004-05-05		
INFORMATION DISCLOSURE	First Named Inventor Martin		tin Weel		
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2454 2448		
	Examiner Name	Le Hie	en Luu		
	Attorney Docket Numb	er	1116-063		

				U.S.	PATENTS		Remove
Examiner Initial*	Cite No	Nind Issue Date Name of Patentee or Applicant		Releva	Columns,Lines where nt Passages or Relevant s Appear		
	1	6970703	B2	2005-11-29	Fuchs et al.		
	2	7240106	B2	2007-07-03	Cochran et al.		
	3	7373109	B2	2008-05-13	Pohja et al.		
If you wisl	h to add	additional U.S. Paten	t citatio	n information pl	ease click the Add button.	I	Add
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	1	20090315670	A1	2009-12-24	Naressi et al.		
	2	20050251453	A1	2005-11-10	Lu		
	3	20080288375	A1	2008-11-20	Uhrig et al.		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /L.L./ EFS Web 2.1.17

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number		10840109				
Filing Date		2004-05-05				
First Named Inventor	Martir	Weel				
Art Unit		2454 2448				
Examiner Name	Le Hie	en Luu				
Attorney Docket Numb	er	1116-063				

(Not for submission under 37 CFR 1.99)

	4	2	20090085724	A1	2009-04	I-02	Naressi et al.					
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Attorney Docket No. 1116-063 Filed: 05/05/2004

Examiner: Le Hien Luu Art Unit: 2448

For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Appeal Brief – Patents Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

An APPEAL BRIEF is filed herewith. Appellant encloses a payment in the amount of \$540.00 as required by 37 C.F.R. § 41.20(b)(2). If any additional fees are required in association with this appeal brief, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

## **APPEAL BRIEF**

#### (1) REAL PARTY IN INTEREST

The real party in interest is the assignee of record, i.e., Dryden Enterprises, LLC of 1000 North West Street, Suite 1200, Wilmington, Delaware 19801, which is a Delaware limited liability company.

## (2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences to the best of Appellant's knowledge.

#### (3) STATUS OF CLAIMS

Claims 35, 37-39, 41, 43, 45-50, 52, 53, and 59-62 were rejected with the rejection made final on June 8, 2010.

Claims 1-34, 36, 40, 42, 44, 51, and 54-58 were previously cancelled.

Claims 35, 37-39, 41, 43, 45-50, 52, 53, and 59-62 are pending and are the subject of this appeal.

#### (4) STATUS OF AMENDMENTS

All amendments have been entered to the best of Appellant's knowledge. No amendments have been filed after the Final Office Action mailed June 8, 2010 (hereinafter "Final Office Action").

#### (5) SUMMARY OF CLAIMED SUBJECT MATTER

In the following summary, Appellant has noted where in the Specification certain subject matter exists. Appellant wishes to point out that these citations are for demonstrative purposes only and that the Specification may include additional discussion of the various elements, citations to which are not pointed out below. Thus, the noted citations are in no way intended to limit the scope of the pending claims.

Independent claim 35 recites a method for obtaining media, the method comprising: displaying on a first device at least one device identifier identifying a second device (see

## Figure 4, element 45; see also Specification, paragraph 0106);

selecting, via user input at the first device, the at least one device identifier (see Figure 4, element 45; see also Specification, paragraph 0106);

receiving on the first device a playlist, the received playlist comprising a plurality of media item identifiers (see Figure 4, element 44; see also Specification, paragraph 0105); selecting at least one media item identifier from the received playlist (see Figure 4,

#### element 46; see also Specification, paragraph 0108); and

directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device (see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111).

Independent claim 48 recites a method for obtaining a song, the method comprising: obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers (see Figure 4, element 44; see also Specification, paragraphs 0098 and 0105);

displaying on the first device at least one device identifier identifying a second device

## (see Figure 4, element 45; see also Specification, paragraph 0106);

selecting, via user input at the first device, the at least one device identifier (see Figure 4, element 45; see also Specification, paragraph 0106);

selecting a song identifier from the playlist (see Figure 4, element 46; see also Specification, paragraph 0108); and

directing, from the first device, the second device to obtain a song identified by the song identifier without user input via the second device (see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111).

Independent claim 53 recites a device for selecting a media item, the device comprising: a display for displaying at least one device identifier and also for facilitating selection

thereof (see Figure 4, element 45; see also Specification, paragraph 0106);

a network transceiver for facilitating communication between the device and at least one second device on a network (see Figure 2, element 24; see also Specification, paragraph 0080);

wherein the device is configured to facilitate:

displaying on the display the at least one device identifier identifying at least one second device (see Figure 4, element 45; see also Specification, paragraph 0106);

selecting, via user input at the device, the at least one device identifier (see Figure 4, element 45; see also Specification, paragraph 0106);

receiving a playlist via the network transceiver (see Figure 4, element 44; see also Specification, paragraph 0105);

selecting at least one media item name from the playlist (see Figure 4, element 46; see also Specification, paragraph 0108); and

directing, from the device, the at least one second device to send information representative of the at least one media item name to a content server without user input via the second device, and to obtain a media item corresponding to the at least one media item name from the content server (see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111).

Independent claim 59 recites a method for obtaining media, the method comprising: displaying on a first device at least one device identifier identifying a second device (see Figure 4, element 45; see also Specification, paragraph 0106);

selecting, via user input at the first device, the at least one device identifier (see Figure 4, element 45; see also Specification, paragraph 0106);

displaying on the first device a plurality of playlist names (see Figure 4, element 41; see also Specification, paragraph 0105);

selecting one of the plurality of playlist names (see Figure 4, element 42; see also Specification, paragraph 0105);

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server (see Figure 4, element 43; see also Specification, paragraph 0105);

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (see Figure 4, element 44; see also Specification, paragraph 0105);

selecting at least one media item identifier from the received playlist (see Figure 4, element 46; see also Specification, paragraph 0108); and

directing the second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server and to play the media item (see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111).

Independent claim 60 recites a method for obtaining media, the method comprising: displaying on a first device a plurality of device identifiers (see Figure 4, element 45; see also Specification, paragraph 0106);

selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies a second device (see Figure 4, element 45; see also Specification, paragraph 0106);

sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server (see Figure 4, element 43; see also Specification, paragraph 0105);

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (see Figure 4, element 44; see also Specification, paragraph 0105);

selecting at least one media item identifier from the received playlist (see Figure 4, element 46; see also Specification, paragraph 0108); and

directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server without user input via the second device server and to play the media item (see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111).

Independent claim 61 recites a method of directing a second device from a first device, the method comprising:

displaying on the first device a plurality of device identifiers (see Figure 4, element 45; see also Specification, paragraph 0106);

selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies the second device (see Figure 4, element 45; see also Specification, paragraph 0106);

sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server (see Figure 4, element 43; see also Specification, paragraph 0105);

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (see Figure 4, element 44; see also Specification, paragraph 0105);

selecting, at the first device, at least one media item identifier from the received playlist (see Figure 4, element 46; see also Specification, paragraph 0108); and

directing, from the first device and in the absence of user input via the second device, the second device to obtain a media item identified by the at least one media item identifier from a content server and to play the media item (see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111).

## (6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 35, 37–39, 41, 43, 45–50, 52, 53, and 59–62 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto") in view of U.S. Patent Application Publication No. 2004/0119894 A1 to Higgins et al. (hereinafter "Higgins") and U.S. Patent Application Publication No. 2005/0113946 A9 to Janik (hereinafter "Janik").

## (7) ARGUMENT

## A. Introduction

The Patent Office has not established a *prima facie* case of obviousness of the claimed invention. More specifically, the Patent Office has not shown where the cited references, either alone or in combination, disclose or suggest all the elements recited in the pending claims.

At a minimum, each of the independent claims in the subject application recites a feature wherein a first device directs a second device to obtain (or receive) a media item, such as a song, without user input via the second device. Because none of the prior art references cited by the Patent Office teach or suggest this feature, for at least this reason, such claims are allowable over the cited references.

As such, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

## **B.** Legal Standards for Establishing Obviousness

Section 103(a) of the Patent Act provides the statutory basis for an obviousness rejection and reads as follows:

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 to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Courts have interpreted 35 U.S.C. § 103(a) as a question of law based on underlying

facts. As the Federal Circuit stated:

Obviousness is ultimately a determination of law based on underlying determinations of fact. These underlying factual determinations include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) the extent of any proffered objective indicia of nonobviousness.

Monarch Knitting Mach. Corp. v. Sulzer Morat GmBH, 45 U.S.P.Q.2d (BNA) 1977, 1981 (Fed. Cir. 1998) (internal citations omitted).

Once the scope of the prior art is ascertained, the content of the prior art must be properly combined. Initially, the Patent Office must show that there is a suggestion to combine the references. *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999). Even if the Patent Office is able to articulate and support a suggestion to combine the references, it is impermissible to pick and choose elements from the prior art while using the application as a template. *In re Fine*, 837 F.3d 1071 (Fed. Cir. 1988). To reconstruct the invention by such selective extraction constitutes impermissible hindsight. *In re Gorman*, 933 F.2d 982 (Fed. Cir. 1991). After the combination has been made, for a *prima facie* case of obviousness, the combination must still teach or fairly suggest all of the claim elements. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. (BNA) 580 (CCPA 1974).

Some elements may be inherent within the reference. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (quoting *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991)). "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Ibid.* (citation and quotation omitted). Thus, the possibility that an element may be derived from the reference is insufficient to establish that said element is inherent to the reference.

Whether an element is implicitly or explicitly taught by a reference or combination of references is open to interpretation. While the Patent Office is entitled to give claim terms their broadest reasonable interpretation, this interpretation is limited by a number of factors. First, the interpretation must be consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000); M.P.E.P. § 2111. Second, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, (Fed. Cir. 1999); M.P.E.P. § 2111. Finally, the interpretation must be reasonable. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004); M.P.E.P. § 2111.01. This means that the words of the claim must be given their plain meaning unless Appellant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989).

If a claim element is missing after the combination is made, then the combination does not render obvious the claimed invention, and the claims are allowable. As stated by the Federal

Circuit, "[if] the PTO fails to meet this burden, then the applicant is entitled to the patent." *In re Glaug*, 283 F.3d 1335, 1338 (Fed. Cir. 2002).

# C. Claims 35, 37–39, 41, 43, 45–50, 52, 53, And 59–62 Are Patentable Over Szeto In View Of Higgins And Janik

Claims 35, 37–39, 41, 43, 45–50, 52, 53, and 59–62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szeto in view of Higgins and Janik. Appellant respectfully traverses. When determining whether a claim is obvious, an Examiner must make "a searching comparison of the claimed invention—*including all its limitations*—with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "*there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Appellant's invention generally relates to intelligent remote control of one device (i.e., a second device) from another device (i.e., a first device). The first device is capable of displaying a playlist of media items, such as songs, and allowing a user to select a song from the playlist. The first device is also capable of displaying one or more second devices, and allowing the user to select a second device. The first device can then direct the second device to obtain or receive the song selected by the user on the first device without user input via the second device. Among other features, Appellant's invention enables a first device which may not contain a copy of a song to direct a second device which does not contain a copy of the song to obtain a copy of the song and play the song.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and paragraph 0023). The IM player interfaces with an IM server for IM messages and with a media server to obtain media (*Id.* at paragraph 0016). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at paragraph 0027). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid.*). The second user may

activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid.*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink.

Higgins discloses a programmable remote control (PRC) (Higgins, Abstract). A user logs onto a service provider's application and creates a user configuration file which identifies the devices the user wishes to control with the PRC (Higgins, paragraphs 0033–0034, 0038). The service provider sends the appropriate remote control codes identified in the configuration file to the PRC to program the PRC (Higgins, paragraphs 0035–0036).

Janik discloses an audio converter device that can receive digital audio data and convert digital audio data into analog electrical data (Janik, Abstract). Janik discloses that a PDA can be used as a system controller by manipulating software on a personal computer through a wireless LAN communication link (Janik, paragraph 0106).

## <u>Claim 35</u>

Appellant's claim 35 recites "displaying on a first device at least one device identifier *identifying a second device.*" The Patent Office concedes that this feature is not disclosed by Szeto (Final Office Action, page 3), but asserts that Szeto discloses "displaying on a first device one user identifier identifying a second device" and refers in particular to Figure 3 and paragraphs 0024-0029 of Szeto (Final Office Action, page 2; emphasis added). Appellant disagrees that Szeto discloses a user identifier which identifies a second device. Appellant submits that the user identifiers depicted in Szeto identify users, not devices. Appellant notes that the Patent Office's assertion touches on a primary deficiency of Szeto: Szeto has nothing to do with one device controlling another device, and consequently there is no reason for one device in Szeto to display the identifier of another device. Looking at Figure 3 of Szeto, an IM window 302 is depicted (Szeto, paragraph 0025). The IM window 302 displays a plurality of icons and user (not device) identifiers, identifying other users of the IM application. Nowhere does Figure 3 appear to display a device identifier identifying a second device. This is not surprising, because Szeto is focused on sharing music experiences, not on the remote control of devices (Szeto, paragraph 0023). For at least these reasons, Appellant respectfully disagrees that Szeto discloses the above-recited feature of claim 35.

Regarding Higgins, the Patent Office asserts that Higgins teaches <u>using</u> device identifiers for identifying devices (Final Office Action, page 3). Higgins relates to programming a programmable remote control (PRC). Appellant submits that Higgins contains no teachings, suggestions, or motivations that would lead one skilled in the art to combine the teachings of Higgins with the IM player of Szeto; nor, if one were motivated to do so, would the combination arrive at Appellant's invention. First, nothing in Szeto teaches or suggests the use of device identifiers in any context. Second, nothing in Szeto or Higgins teaches or suggests how device identifiers could be implemented in Szeto, and Appellant submits that doing so would require extensive modification of Szeto, which is not taught or suggested in Szeto or Higgins. Third, implementing device identifiers into Szeto would run contrary to Szeto's teachings: Szeto does not relate to directing a second device to obtain a song, but rather to providing a user with a means of determining what music other users are listening to, and, if desired, downloading the song via user input.

Appellant's claim 35 further recites "directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device." The Patent Office correctly concedes that Szeto fails to teach or suggest this feature, but asserts that Janik discloses this feature (Final Office Action, page 3). Appellant respectfully disagrees. As discussed above, Janik discloses, among other features, that a PDA can be used as a system controller by manipulating software on a personal computer through a wireless LAN communication link (Janik, paragraph 0106). However, nowhere does Janik teach or suggest that the PDA can <u>direct the stereo</u> to receive a media item identifier from a content server under any circumstances, and certainly not without user input via the second device, as recited in Appellant's claim 35. Moreover, Janik contains no teaching, suggestion, or motivation for combining the features of Janik with Szeto. Implementing remote control of one device from another in Szeto would run contrary to Szeto's teachings: Szeto does not relate to directing a second device to obtain a song, but rather to providing a user with a means of determining what music other users are listening to, and, if desired, downloading the song via user input.

Because none of the references teach or suggest, alone or in combination, an ability for a first device to direct a second device to receive a media item identified on the first device from a

content server, without user input via the second device, Appellant submits that claim 35 is allowable over the cited references.

Moreover, in response to the Patent Office's assertion that it would be obvious to combine the teachings of Higgins and Janik with those of Szeto, Appellant submits that such a combination, even if appropriate, would not result in Appellant's invention. Further, such a combination would not be appropriate because the references contain no teachings, suggestions, or motivations to combine the references in a manner that would result in Appellant's claim 35. In the absence of such teaching, suggestion, or motivation, the Patent Office is using impermissible hindsight reconstruction in view of Appellant's specification and claims on appeal.

## Claim 48

Claim 48 contains limitations that are substantially similar to those discussed above with regard to claim 35, and the arguments presented above are applicable to claim 48 as well. Claim 48, however, recites "directing, from the first device, the second device to <u>obtain</u> a song identified by the song identifier without user input via the second device" (emphasis added). Nothing in Szeto, Higgins, or Janik teaches or suggests an ability for a second device to be directed by a first device to obtain a song without user input. While Janik discloses an ability for a first device to perform certain functionality, such as volume control, song skip, and pause, on a personal computer, nothing in Janik teaches or suggests an ability for the PDA to direct the PC to obtain a song identified by a song identifier selected on the PDA (Janik, paragraph 0106).

Thus, for at least the foregoing reasons, Appellant submits that claim 48 is allowable over the cited references.

## Claim 53

Claim 53 contains limitations that are substantially similar to those discussed above with regard to claim 35, and the arguments presented above are applicable to claim 53 as well. Claim 53, however, recites "directing, from the device, the at least one second device to send information representative of the at least one media item name to a content server without user input via the second device, and to obtain a media item corresponding to the at least one media item name from the content server." Nothing in Szeto, Higgins, or Janik teaches or suggests an

ability for a second device to be directed by a first device to send information representative of a media item name to a content server to obtain a media item corresponding to the media item name, without user input via the second device.

Thus, for at least the foregoing reasons, Appellant submits that claim 53 is allowable over the cited references.

## <u>Claim 59</u>

Claim 59 contains limitations that are substantially similar to those discussed above with regard to claim 35, and the arguments presented above are applicable to claim 59 as well. Claim 59, however, recites:

displaying on the first device a plurality of playlist names; selecting one of the plurality of playlist names; sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server; receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers.

The Patent Office fails to address this limitation in the Final Office Action (Final Office Action, page 4). Szeto fails to teach or suggest an ability to display a plurality of playlist names, select a particular playlist, and receive a playlist from a playlist server in response to the selection, nor does the Patent Office disclose where in Szeto this limitation is taught. Higgins and Janik similarly fail to teach or suggest such features.

Thus, for at least the foregoing reasons, Appellant submits that claim 59 is allowable over the cited references.

## <u>Claim 60</u>

Appellant's claim 60 contains limitations that are substantially similar to those discussed above with regard to claim 35, and the arguments presented above are applicable to claim 60 as well. Additionally, claim 60 includes a feature wherein a plurality of device identifiers is displayed on the first device, and a device identifier identifying the second device is selected. Appellant's claim 60 further requires that the media item obtained from the content server is played on the second device. Nowhere does Szeto, Higgins, or Janik teach or suggest an ability

for a first device to direct a second device to obtain a media item from a content server without user input via the second device, and then to play the media item. For at least the foregoing reasons, Appellant submits that claim 60 is allowable over the cited references.

## <u>Claim 61</u>

Appellant's claim 61 contains limitations that are substantially similar to those discussed above with regard to claim 35, and the arguments presented above are applicable to claim 61 as well. Additionally, claim 61 includes a feature wherein a plurality of device identifiers is displayed on the first device, and a device identifier identifying the second device is selected. Appellant's claim 61 further requires that the media item received from the content server be played on the second device. Nowhere does Szeto, Higgins, or Janik teach or suggest an ability for a first device to direct a second device to receive a media item from a content server in the absence of user input via the second device, and then to play the media item. For at least the foregoing reasons, Appellant submits that claim 61 is allowable over the cited references.

Claims 37–39, 41, 43, and 45–47 depend directly or indirectly from claim 35, and should therefore be allowable as depending from an allowable independent claim. Claims 49, 50, and 52 depend from claim 48, and should therefore be allowable as depending from an allowable independent claim. Claim 62 depends from claim 53, and should therefore be allowable as depending from an allowable as depending from an allowable independent claim.

## **D.** Conclusion

For the reasons set forth above, the cited references do not disclose or suggest many of the features recited in Appellant's claims, and in particular do not disclose or suggest an ability for a first device to direct a second device to obtain or receive a media item without user input via the second device. The Patent Office has, using impermissible hindsight reconstruction in view of Appellant's specification and claims, suggested a combination of references that contain no teaching, motivation or suggestion for combining, and even if combined, would not result in Appellant's claimed invention. As such, Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

Respectfully submitted,

## WITHROW & TERRANOVA, P.L.L.C.

By:

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Date: <u>8 NOV 10</u> Attorney Docket: 1116-063

## (8) CLAIMS APPENDIX

1-34. (Cancelled).

35. A method for obtaining media, the method comprising: displaying on a first device at least one device identifier identifying a second device; selecting, via user input at the first device, the at least one device identifier; receiving on the first device a playlist, the received playlist comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist; and

directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device.

36. (Cancelled).

37. The method as recited in claim 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device.

39. The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device and the second device comprises a media rendering device.

40. (Cancelled).

41. The method as recited in claim 39, further comprising adjusting at least one parameter on the second device from the first device selected from a group consisting of volume, tone, and balance.

## 42. (Cancelled).

43. The method as recited in claim 35, further comprising displaying a plurality of device identifiers on the first device, wherein each of the plurality of device identifiers identifies a corresponding device, and wherein selecting, via user input at the first device, the at least one device identifier further comprises selecting, via user input at the first device, the at least one device identifier from the plurality of device identifiers.

44. (Cancelled).

45. The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in the first order.

46. The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in an order other than the first order.

47. The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

48. A method for obtaining a song, the method comprising:

obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

displaying on the first device at least one device identifier identifying a second device;

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selecting, via user input at the first device, the at least one device identifier;

selecting a song identifier from the playlist; and

directing, from the first device, the second device to obtain a song identified by the song identifier without user input via the second device.

49. The method of claim 48, further comprising:

requesting, by the second device, the song identified by the song identifier from a content server; and

downloading the song from the content server to the second device.

50. The method of claim 48, wherein the network comprises the Internet.

51. (Cancelled).

52. The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

53. A device for selecting a media item, the device comprising:

a display for displaying at least one device identifier and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

displaying on the display the at least one device identifier identifying at least one second device;

selecting, via user input at the device, the at least one device identifier;

receiving a playlist via the network transceiver;

selecting at least one media item name from the playlist; and

directing, from the device, the at least one second device to send information

representative of the at least one media item name to a content server without user input

via the second device, and to obtain a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

59. A method for obtaining media, the method comprising:

displaying on a first device at least one device identifier identifying a second device; selecting, via user input at the first device, the at least one device identifier; displaying on the first device a plurality of playlist names; selecting one of the plurality of playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist; and

directing the second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server and to play the media item.

A method for obtaining media, the method comprising:
 displaying on a first device a plurality of device identifiers;
 selecting, via user input at the first device, one of the plurality of device identifiers,

wherein the one of the plurality of device identifiers identifies a second device;

sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist; and

directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server without user input via the second device server and to play the media item.

61. A method of directing a second device from a first device, the method comprising: displaying on the first device a plurality of device identifiers;

selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies the second device;

sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting, at the first device, at least one media item identifier from the received playlist; and

directing, from the first device and in the absence of user input via the second device, the second device to obtain a media item identified by the at least one media item identifier from a content server and to play the media item.

62. The device of claim 53 wherein the device comprises a remote control device that is not capable of playing the media item corresponding to the at least one media item name.

# (9) EVIDENCE APPENDIX

Appellant relies on no evidence, thus this appendix is not applicable.

# (10) RELATED PROCEEDINGS APPENDIX

As there are no related proceedings, this appendix is not applicable.

Electronic Patent Application Fee Transmittal								
Application Number:	10840109							
Filing Date:	05	-May-2004						
Title of Invention:	Playlist downloading for digital entertainment network							
First Named Inventor/Applicant Name:	Ma	artin Weel						
Filer:	Benjamin Withrow/Sarah Breeze							
Attorney Docket Number:	1116-063							
Filed as Large Entity								
Utility under 35 USC 111(a) Filing Fees								
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)			
Basic Filing:								
Pages:								
Claims:								
Miscellaneous-Filing:								
Petition:								
Patent-Appeals-and-Interference:								
Filing a brief in support of an appeal 1402 1 540 540								
Post-Allowance-and-Post-Issuance:			<b>.</b>					
Extension-of-Time:								

Description	Fee Code	Fee Code Quantity Am		Sub-Total in USD(\$)
Miscellaneous:				
	Tot	al in USD	(\$)	540

Electronic Acknowledgement Receipt							
EFS ID:	8790456						
Application Number:	10840109						
International Application Number:							
Confirmation Number:	9461						
Title of Invention:	Playlist downloading for digital entertainment network						
First Named Inventor/Applicant Name:	Martin Weel						
Customer Number:	71739						
Filer:	Benjamin Withrow/Sarah Breeze						
Filer Authorized By:	Benjamin Withrow						
Attorney Docket Number:	1116-063						
Receipt Date:	08-NOV-2010						
Filing Date:	05-MAY-2004						
Time Stamp:	15:23:27						
Application Type:	Utility under 35 USC 111(a)						

# Payment information:

Submitted with Payment	yes						
Payment Type	Credit Card						
Payment was successfully received in RAM	\$540						
RAM confirmation Number	1919						
Deposit Account	501732						
Authorized User	JENSEN,ERIC P.						
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:							
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)							
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)							

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## **File Listing:**

Document Number	<b>Document Description</b>	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	1116-063_Appeal_Brief_Filed_	2223512	no	21
•		11-8-10.pdf	38c22a8ab6b9f40247d800956928717c286 1d9c2	110	
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	29960	no	2
2			d01f0381f961bb08df9818a8d75296c4c0ffc 4e2	110	
Warnings:					
Information					
		Total Files Size (in bytes)	22	53472	

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National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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	Under the Paperwork Reduction Act of 1995, no persons are required to respor		nd Trademark Office	e; U.S	PTO/SB/31 (07-09) rough 07/31/2012. OMB 0651-0031 6. DEPARTMENT OF COMMERCE splays a valid OMB control number.			
			Docket Number					
	NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERE		1116-063					
to the	eby certify that this correspondence is being facsimile transmitted a USPTO or deposited with the United States Postal Service with ient postage as first class mail in an envelope addressed to	In re Applicat Martin We						
"Com 1450	nmissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- " [37 CFR 1.8(a)]	Application N 10/840,10			Filed 05/05/2004			
		For PLAYLIST	DOWNLOADING FO	DR DI	GITAL ENTERTAINMENT NETWORK			
Signa	ature	Art Unit		Exa	miner			
Type name	d or printed	2454		Le	Hien Luu			
Appli	cant hereby <b>appeals</b> to the Board of Patent Appeals and Interference	s from the last o	decision of the exa	amin	er.			
The f	fee for this Notice of Appeal is (37 CFR 41.20(b)(1))			\$	540.00			
	Applicant claims small entity status. See 37 CFR 1.27. Therefore, th by half, and the resulting fee is:	e fee shown ab	ove is reduced	\$				
	A check in the amount of the fee is enclosed.							
	Payment by credit card. Form PTO-2038 is attached.							
	The Director has already been authorized to charge fees in this appl	lication to a Dep	posit Account.					
<b></b>	The Director is hereby authorized to charge any fees which may be to Deposit Account No. $50-1732$	required, or cre	dit any overpaym	ent				
	A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/	22) is enclosed						
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l am ⁻	the							
	applicant/inventor.	/Eric F	P. Jensen/	<u>.</u>				
	assignee of record of the entire interest.		Fr	0	nature . Jensen			
	See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			-	printed name			
	✓ attorney or agent of record. 37,647 Registration number 919-238-2300							
			Tele	epho	ne number			
	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.		Sep	tem	ber 8, 2010			
	· · · · · · · · · · · · · · · · · · ·			٢	Date			
	TE: Signatures of all the inventors or assignees of record of the entire omit multiple forms if more than one signature is required, see below*.		r representative(s	) are	required.			

Total of forms are submitted.

This collection of information is required by 37 CFR 41.31. 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, 1.14 and 41.6. 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. Peatent 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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The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal								
Application Number:	10840109							
Filing Date:	05	-May-2004						
Title of Invention:	Playlist downloading for digital entertainment network							
First Named Inventor/Applicant Name:	Ma	artin Weel						
Filer:	Benjamin Withrow/Sarah Breeze							
Attorney Docket Number:	1116-063							
Filed as Large Entity								
Utility under 35 USC 111(a) Filing Fees								
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)			
Basic Filing:								
Pages:								
Claims:								
Miscellaneous-Filing:								
Petition:								
Patent-Appeals-and-Interference:								
Notice of appeal		1401	1	540	540			
Post-Allowance-and-Post-Issuance:								
Extension-of-Time:								

Description	Fee Code Quantity Amount		Amount	Sub-Total in USD(\$)
Miscellaneous:				
	Tot	al in USD	(\$)	540

Electronic Acknowledgement Receipt					
EFS ID:	8375324				
Application Number:	10840109				
International Application Number:					
Confirmation Number:	9461				
Title of Invention:	Playlist downloading for digital entertainment network				
First Named Inventor/Applicant Name:	Martin Weel				
Customer Number:	71739				
Filer:	Benjamin Withrow/Sarah Breeze				
Filer Authorized By:	Benjamin Withrow				
Attorney Docket Number:	1116-063				
Receipt Date:	08-SEP-2010				
Filing Date:	05-MAY-2004				
Time Stamp:	15:33:53				
Application Type:	Utility under 35 USC 111(a)				

# Payment information:

Submitted with Payment	yes				
Payment Type	Credit Card				
Payment was successfully received in RAM \$540					
RAM confirmation Number 1905					
Deposit Account	posit Account 501732				
Authorized User JENSEN, ERIC P.					
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					

File Listin	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	1 Notice of Appeal Filed	1116-063_Notice_of_Appeal_Fi	244548	20	2
I	Notice of Appear riled	led_9-8-10.pdf	e387aa0e9046059b5f27a7a90c49c7c3ac47 9911	no	2
Warnings:			·		
Information		1			
7	2 Fee Worksheet (PTO-875) fee-info.pdf _		29915	no	2
2		ree-mo.pdi	dbc823c13a12d5bc5d0511632538859c1aa eb0f6	110	2
Warnings:		·	·		
Information					
		Total Files Size (in bytes):	27	74463	
Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) at Acknowledg <u>National Sta</u> If a timely su U.S.C. 371 ar national stag <u>New Interna</u> If a new inter an internatic and of the In	d by the applicant, and including pa described in MPEP 503. tions Under 35 U.S.C. 111 ication is being filed and the applica nd MPEP 506), a Filing Receipt (37 C ement Receipt will establish the filin ge of an International Application u bmission to enter the national stage ad other applicable requirements a l ge submission under 35 U.S.C. 371 w tional Application Filed with the USI (mational application is being filed a onal filing date (see PCT Article 11 ar ternational Filing Date (Form PCT/R urity, and the date shown on this Ac on.	ation includes the necessary of FR 1.54) will be issued in due of ng date of the application. <u>nder 35 U.S.C. 371</u> e of an international applicati Form PCT/DO/EO/903 indicati vill be issued in addition to the <u>PTO as a Receiving Office</u> and the international application to MPEP 1810), a Notification to (105) will be issued in due co	components for a filin course and the date s on is compliant with ng acceptance of the e Filing Receipt, in du ion includes the nece of the International / ourse, subject to pres	g date (see hown on th the conditic application e course. ssary comp Application scriptions co	37 CFR is ons of 35 as a onents for Number oncerning

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor Martin		n Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2454	
	Examiner Name	Le Hie	en Luu	
	Attorney Docket Numb	er	1116-063	

	U.S.PATENTS Remove									
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	of cited Decument		Columns,Lines where nt Passages or Relevant s Appear			
	1	6970703	B2	2005-11-29	Fuchs et al.					
	2	7240106	B2	2007-07-03	Cochran et al.					
	3	7373109	B2	2008-05-13	Pohja et al.					
If you wis	h to add	additional U.S. Paten	t citatio	n information pl	ease click the Add button.		Add			
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Releva	Columns,Lines where nt Passages or Relevant s Appear			
	1	20090315670	A1	2009-12-24	Naressi et al.					
	2	20050251453	A1	2005-11-10	Lu					
	3	20080288375	A1	2008-11-20	Uhrig et al.					

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2454Examiner NameLe Hien LuuAttorney Docket Number1116-063

(Not for submission under 37 CFR 1.99)

	4	2	20090085724	A1	2009-04	-02	Naressi et al.				
If you wisl	If you wish to add additional U.S. Published Application citation information please click the Add button. Add										
					FOREIC	<b>GN PAT</b>	ENT DOCUM	ENTS		Remove	
Examiner Initial*	Cite No	Fore Num	ign Document lber ³	Country Code ²		Kind Code⁴	Publication Date	Name of Patente Applicant of cited Document	e or	Pages,Columns,Lind where Relevant Passages or Releva Figures Appear	<b>T</b> 5
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If you wis	h to ac	dd add	ditional Foreign Pa	atent Do	cument	citation	information pl	ease click the Add	button	Add	
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Examiner	Signa	ture						Date Conside	ered		
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.											
¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if											

English language translation is attached.

Application Number		10840109	
Filing Date		2004-05-05	
First Named Inventor Martin		in Weel	
Art Unit		2454	
Examiner Name Le H		e Hien Luu	
Attorney Docket Number		1116-063	
	Filing Date First Named Inventor Art Unit Examiner Name	Filing Date First Named Inventor Martin Art Unit	

		CERTIFICATION	STATEMENT			
Plea	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):					
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).					
OR						
X	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).					
	See attached cer	rtification statement.				
×	Fee set forth in 3	7 CFR 1.17 (p) has been submitted herewith				
	None					
	SIGNATURE A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.					
Sigr	nature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2010-08-12		
Nan	ne/Print	R. Chad Bevins	Registration Number	51468		
		mation is required by 37 CFR 1.97 and 1.98. (and by the USPTO to process) an applicatio	•			

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 1.14. This collection is estimated to take 1 hour 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.** 

### **Privacy Act Statement**

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

EFS Web 2.1.17

Electronic Patent Application Fee Transmittal					
Application Number:	10	340109			
Filing Date:	05-	May-2004			
Title of Invention:	Playlist downloading for digital entertainment network				
First Named Inventor/Applicant Name:	Martin Weel				
Filer:	R. Chad Bevins/Julie Smith				
Attorney Docket Number:	Attorney Docket Number: 1116-063				
Filed as Large Entity					
Utility under 35 USC 111(a) Filing Fees					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Extension-of-Time:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
	Tot	al in USD	(\$)	180

Electronic Acknowledgement Receipt					
EFS ID:	8205331				
Application Number:	10840109				
International Application Number:					
Confirmation Number:	9461				
Title of Invention:	Playlist downloading for digital entertainment network				
First Named Inventor/Applicant Name:	Martin Weel				
Customer Number:	71739				
Filer:	R. Chad Bevins/Julie Smith				
Filer Authorized By:	R. Chad Bevins				
Attorney Docket Number:	1116-063				
Receipt Date:	12-AUG-2010				
Filing Date:	05-MAY-2004				
Time Stamp:	12:51:00				
Application Type:	Utility under 35 USC 111(a)				

# Payment information:

Submitted with Payment yes					
Payment Type	Credit Card				
Payment was successfully received in RAM \$180					
RAM confirmation Number 11973					
Deposit Account 501732					
Authorized User BEVINS,R. CHAD					
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					

File Listin	g:				
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS)	1116-063_IDS_7.PDF	611750	no	4
	Filed (SB/08)		2087415f2160cc07f5313b4275e90b7f4622 4ade		
Warnings:					
Information					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30272	no	2
	· · ·		6f6324cb7ebee5e80ec1fb099b693db33e3 6aba6		
Warnings:					
Information:					
		Total Files Size (in bytes)	64	2022	
characterizer Post Card, as <u>New Applica</u> If a new appl 1.53(b)-(d) an Acknowledg <u>National Star</u> If a timely su U.S.C. 371 ar national stag <u>New Internat</u> If a new inter an internatic and of the In	ledgement Receipt evidences receip d by the applicant, and including page described in MPEP 503. <u>tions Under 35 U.S.C. 111</u> ication is being filed and the applica and MPEP 506), a Filing Receipt (37 CF ement Receipt will establish the filin <u>ge of an International Application un</u> bmission to enter the national stage ad other applicable requirements a F ge submission under 35 U.S.C. 371 wi <u>tional Application Filed with the USP</u> mational application is being filed ar onal filing date (see PCT Article 11 an ternational Filing Date (Form PCT/RC urity, and the date shown on this Ack on.	ge counts, where applicable. tion includes the necessary of R 1.54) will be issued in due g date of the application. <u>Inder 35 U.S.C. 371</u> of an international applicati orm PCT/DO/EO/903 indicati ill be issued in addition to the <u>TO as a Receiving Office</u> and the international applicat d MPEP 1810), a Notification D/105) will be issued in due c	It serves as evidence components for a filin course and the date s on is compliant with ng acceptance of the e Filing Receipt, in du ion includes the nece of the International <i>i</i> ourse, subject to pres	of receipt s g date (see hown on th the condition e course. ssary comp Application scriptions co	37 CFR 37 CFR is ons of 35 as a onents for Number oncerning

UNITED STA	ates Patent and Tradem	UNITED ST United Stat Address: COMM P.O. Boo	ria, Virginia 22313-1450
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/840,109	05/05/2004	Martin Weel	1116-063
71739 WITHROW & TERRANOV 100 REGENCY FOREST CARY, NC 27518			CONFIRMATION NO. 9461 CEPTANCE LETTER

### NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/30/2010.

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.

/hchristian/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

page 1 of 1

UNITED STATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMI United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS PO. Bax 1450 Alexandria, Yignia 22313-1450 www.usplo.gov				
APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE	
10/840,109	05/05/2004	Martin Weel	1116-063	
71739 WITHROW & TERRANO\ 100 REGENCY FOREST CARY, NC 27518			CONFIRMATION NO. 9461 DF ATTORNEY NOTICE	

### NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/30/2010.

• The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/hchristian/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

page 1 of 1

PTO/SB/80 (11-08) Approved for use through 11/30/2011. OMB 0651-0035 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of	of 1995, no persons are required to	o respond to a collection of information	unless it displays a valid OMB control number
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### POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

l here 37 CF	by revoke all p R 3.73(b).	revious powers of attorney	given in the app	lication identified in th	e attached statement under
	by appoint:				
<b>/</b> F	Practitioners assoc	siated with the Customer Number:		71700	
0/	R			71739	
L F	Practitioner(s) nam	ned below (if more than ten patent	practitioners are to	be named, then a customer	number must be used):
		Name	Registration Number	Name	Registration Number
any and	d all patent applica	to represent the undersigned bef tions assigned <u>only</u> to the unders coordance with 37 CFR 3.73(b).	ore the United State igned according to the	s Patent and Trademark Of ne USPTO assignment reco	fice (USPTO) in connection with rds or assignment documents
Please	change the corres	pondence address for the applica	ation identified in the	attached statement under 3	87 CFR 3.73(b) to:
✔ OR	The address as	sociated with Customer Number:		71739	
	Firm or Individual Name				
Addre	:55				
City			State		Zip
Count	try				
Telepl	hone			Email	
Dryðer 1000 N	ee Name and Add n Enterprises, North West Stre ngton, Delawar	LLC. eet, Suite1200			
filed in the pra	n each applicati actitioners app	ogether with a statement un ion in which this form is use ointed in this form if the app application in which this Po	ed. The statemen	t under 37 CFR 3.73(b) er is authorized to act	equivalent) is required to be may be completed by one of on behalf of the assignee,
			TURE of Assignee	of Record	If of the assignee
Signatu	ıre	<u>sut &amp;</u>	<u></u>	Date	6/11/2010
Signatu Name Title	ıre	Hugh Svend	dsen Memb	Tele	6 (11 ) 2010 phone 919-433-1845

by the USP 10 to process) an application. Contidentiality is governed by 30 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 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.

193/478

PTO/SB/96 (07-09) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	ersons are required to respond to a collection of information unless it displays a valid OMB control number EMENT UNDER 37 CFR 3.73(b)
Applicant/Patent Owner: Dryden Enterprises, LLC	
Application No./Patent No.: 10/840,109	
Titled: PLAYLIST DOWNLOADING FOR DIGI	
Dryden Enterprises, LLC	a limited liability company
(Name of Assignee)	(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.
states that it is:	
1. X the assignee of the entire right, title, and ir	nterest in;
2. an assignee of less than the entire right, ti (The extent (by percentage) of its ownersh	tle, and interest in hip interest is%); or
3 the assignee of an undivided interest in the	e entirety of (a complete assignment from one of the joint inventors was made)
the patent application/patent identified above, by virtu	e of either:
A. An assignment from the inventor(s) of the the United States Patent and Trademark ( copy therefore is attached.	patent application/patent identified above. The assignment was recorded in Dffice at Reel, Frame, or for which a
	patent application/patent identified above, to the current assignee as follows:
1. From: Martin Weel	To: MusicStream, LLC
	the United States Patent and Trademark Office at Frame 0095, or for which a copy thereof is attached.
2. From: Elario, Inc.	To: Concert Technology Corporation
1	the United States Patent and Trademark Office at Frame 0817, or for which a copy thereof is attached.
3. From: Concert Technology Corpo	To: ConPact, Inc.
The document was recorded in	the United States Patent and Trademark Office at
Reel <u>019610</u> ,	Frame 0690, or for which a copy thereof is attached.
Additional documents in the chain of title	are listed on a supplemental sheet(s).
As required by 37 CFR 3.73(b)(1)(i), the docu or concurrently is being, submitted for recordate	mentary evidence of the chain of title from the original owner to the assignee was, tion pursuant to 37 CFR 3.11.
	he original assignment document(s)) must be submitted to Assignment Division ir assignment in the records of the USPTO. <u>See</u> MPEP 302.08]
The undersigned (whose title is supplied below) is au	thorized to act on behalf of the assignee.
K. (IL)	July 30, 2010
Signature	Date
R. Chad Bevins	Attorney of Record
Printed or Typed Name This collection of information is required by 37 CFR 3.73(b). The info	Title prmation is required to obtain or retain a benefit by the public which is to file (and by the USPTO to

This collection or 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 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.

### Statement Under 37 CFR 3.73(b) – Supplemental Sheet

 4. From: ConPact, Inc.
 To: Dryden Enterprises, LLC

 The document was recorded in the United States Patent and Trademark Office at

 Reel 024606
 , Frame 0249

 , or for which a copy thereof is attached.

Electronic Acknowledgement Receipt			
EFS ID:	8122837		
Application Number:	10840109		
International Application Number:			
Confirmation Number:	9461		
Title of Invention:	Playlist downloading for digital entertainment network		
First Named Inventor/Applicant Name:	Martin Weel		
Customer Number:	71739		
Filer:	R. Chad Bevins/Julie Smith		
Filer Authorized By:	R. Chad Bevins		
Attorney Docket Number:	1116-063		
Receipt Date:	30-JUL-2010		
Filing Date:	05-MAY-2004		
Time Stamp:	10:24:13		
Application Type:	Utility under 35 USC 111(a)		

# Payment information:

Submitted with Payment no			no				
File Listing:							
Document Number	<b>Document Description</b>		File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)	
1	Power of Attorney	1	116-063_Dryden_POA.pdf	67516	no	1	
	Tower of Automey			94b270341be96dffda0b259eb944d9c9b7c acc76	110	·	
Warnings:							
Information:							

	Assignee showing of ownership per 37 CFR 3.73(b).	1116-063_Statement_Under_3- 73b.pdf	123119 1d6a7c329d7286160ed1e9a1245be7091fb 36f3c	no	2
Warnings:					
Information	:				
		Total Files Size (in bytes)	1,	90635	
characterize	vledgement Receipt evidences receip ed by the applicant, and including pag s described in MPEP 503.				

	ED STATES PATENT	TAND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22. www.uspto.gov	FOR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461
	7590 06/08/2010 TERRANOVA CT		EXAM	IINER
100 REGENCY	Y FOREST DRIVE , SU	ITE 160	LUU, L	E HIEN
CARY, NC 27:	518		ART UNIT	PAPER NUMBER
			2454	
			MAIL DATE	DELIVERY MODE
			06/08/2010	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)				
	10/840,109	   WEEL, MARTIN				
Office Action Summary	Examiner	Art Unit				
	Le Luu	2454				
The MAILING DATE of this communication app						
Period for Reply						
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>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.</li> <li>If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for 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).</li> </ul>						
Status						
1) Responsive to communication(s) filed on $\frac{02/26}{2}$						
	action is non-final.					
3) Since this application is in condition for allowar	•					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>35,37-39,41,43,45-50,52,53 and 59-6</u>	<u>2</u> is/are pending in the applicatio	n.				
4a) Of the above claim(s) is/are withdraw	wn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>35,37-39,41,43,45-50,52,53 and 59-6</u>	2 is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10)☐ The drawing(s) filed on is/are: a)☐ acc	epted or b) objected to by the	Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correct	• • • • •					
11) The oath or declaration is objected to by the Ex	aminer. 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 a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a	)-(d) or (f).				
a) All b) Some * c) None of: 1. Certified copies of the priority documents	s have been received					
2. Certified copies of the priority documents		ion No.				
3. Copies of the certified copies of the prior						
application from the International Bureau		C C				
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)	_					
<ol> <li>1) X Notice of References Cited (PTO-892)</li> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> </ol>	4) 🔲 Interview Summary Paper No(s)/Mail D					
3) X Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal F	Patent Application (PTO-152)				
Paper No(s)/Mail Date <u>03/10/10</u> .	6) 🛄 Other:					
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office Ac	tion Summary Pa	art of Paper No./Mail Date 20100526				

1. Claims 35, 37-39, 41, 43, 45-50, 52-53, and 59-62 are presented for examination.

2. 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 negatived by the manner in which the invention was made.

3. Claims 35, 37-39, 41, 43, 45-50, 52-53, and 59-62 are rejected under 35 U.S.C. § 103 (a) as being unpatentable Szeto et al. (Szeto) Pub. No. 2005/0262204, in view of Higgins et al. (Higgins), Pub. No. 2004/0119894, and Janik, Pub. No. 2005/0113946.

4. As to claim 35, Szeto teaches the invention as claimed, including a method for playing media the method comprising:

displaying on a first device at least one user identifier identifying a second device

(Fig 3; pages 3-4, paragraphs [0024 - 0029]);

selecting, via user input at the first device, the at least one user identifier (Fig 3;

pages 3-4, paragraphs [0024 - 0029]);

receiving on the first device a playlist, the received playlist comprising a plurality of media item identifiers (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

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selecting at least one media item identifier from the received playlist (Fig 3;

### Application/Control Number: 10/840,109 Art Unit: 2454

### pages 3-4, paragraphs[0024 - 0029]); and

directing the second device to receive a media item identified by the at least one media item identifier from a content server (Fig. 4; pages 4-5, paragraph [0034]).

However, Szeto does not explicitly teach device identifier identifying a second device, nor the directing step is directed by the first user without user input via the second device.

Higgins teaches using device identifiers for identifying devices. Additionally, each of one or more device identifiers is uniquely associated with a device such as a television, a television receiver, an audio-video receiver, a DVD player, a VCR, and an MP3 player (Higgins, pages 4-6, paragraphs [0052 ; 0056 - 0057]; page 6, claim 3).

Janik teaches a PDA is used as an enhanced remote controller and/or player, and the PDA can be used as a remote control to manipulate a playlist on a PC to play a track on a stereo system (Janik, pages 5 and 7-8, paragraphs [0070 - 0080, 0100 – 0101, 0106 - 0108]).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Szeto, Higgins, and Janik to use device identifier to identify the second device and have the first device directs the second device to receive a media item without user input via the second device because it would allow user to listen to music on stereo system.

5. As to claims 37-39, 41, 43, and 45-47, Szeto, Higgins, and Janik teach a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a

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Application/Control Number: 10/840,109 Art Unit: 2454

mobile phone, a remote control to control the second device; displaying a plurality of device identifiers on the first devices, wherein each of the plurality of device identifiers identifies a corresponding device, and wherein selecting, via user input at the first device, the at least one device identifier further comprises selecting, via user input at the first device, the at least one device identifier from the plurality of device identifiers; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Szeto, Fig 3; pages 1-4, paragraphs[0015, 0023 – 0029]; Higgins, pages 4-6, paragraphs [0052 ; 0056 - 0057]; page 6, claim 3; Janik, pages 5 and 7-8, paragraphs [0070 - 0080, 0100 – 0101, 0106 - 0110]).

6. Claims 48-50, 52-53, and 59-62 have similar limitations as claims 37-39, 41, 43, and 45-47; therefore, they are rejected under the same rationale.

7. Applicant's arguments with respect to claim 35, 37-39, 41, 43, 45-50, 52-53, and 59-62 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED

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### Application/Control Number: 10/840,109 Art Unit: 2454

STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-3880. 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).

/Le Luu/ Primary Examiner, Art Unit 2454

Notice of References Cited	Application/Control No. 10/840,109	Applicant(s)/Pater Reexamination WEEL, MARTIN	nt Under
Notice of References Cheu	Examiner	Art Unit	
	Le Luu	2454	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	А	US-2004/0119894	06-2004	Higgins et al.	348/734
	В	US-			
	С	US-			
	D	US-			
	Е	US-			
	F	US-			
	G	US-			
	н	US-			
	-	US-			
	J	US-			
	к	US-			
	L	US-			
	М	US-			

### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Ν					
	0					
	Ρ					
	Q					
	R					
	S					
	т					

# * Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)

*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.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20100526

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2454

1	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	I	Interference	0	Objected

CL	AIM	DATE								
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009		05/26/2010			
	1	-	-	-	-	-	-			-
	2	-	-	_	-	_	-			
	3	-	-	_	-	_	-			-
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U.S. Patent and Trademark Office

Part of Paper No.: 20100526

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2454

✓	Rejected	-	Cancelled	N	Non-Elected	Α	Appeal
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CL	AIM	DATE									
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010				
	37	√	√	√	√	√	√				
	38	√	√	√	√	√	√				
	39	√	√	√	√	~	✓				
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	41	√	√	√	√	~	√				
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	43	√	√	~	√	~	√				
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	45	√	√	~	√	~	√				
	46	√	√	~	√	~	✓				
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	48	√	√	~	✓	~	✓				
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	61				✓	~	✓				

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Part of Paper No.: 20100526

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2454

### SEARCHED

Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	LL
700	94	10/21/09	LL
725	112, 134	10/21/09	LL
348	734	05/26/10	LL

SEARCH NOTE	ES	
Search Notes	Date	Examiner
EAST search reports	3/12/08	LL
EAST search reports	10/10/08	LL
EAST search reports	10/21/09	LL

	INTERFERENCE SEAR	RCH	
Class	Subclass	Date	Examiner

/Le Luc	u/
Primar	y Examiner.Art Unit 2454

U.S. Patent and Trademark Office

Part of Paper No. : 20100526

# SAMSUNG EX. 1003

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2454 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

		Remove				
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5790426		1998-08-04	Robinson	
	2	5884282		1999-03-16	Robinson	
	3	6317722	B1	2001-11-13	Jacobi et al.	
	4	6675268	B1	2004-01-06	DeKoning et al.	
	5	6853841	B1	2005-02-08	St. Pierre	
	6	7075000	B2	2006-07-11	Gang et al.	
	7	7134040	B2	2006-11-07	Ayres	
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208/478

### INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number10840109Filing Date2004-05-05First Named InventorMarti-Art Unit2454Examiner NameLe Hi-Attorney Docket Number1116-063

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	1		20040002938	A1	2004-01	-01	Deguchi								
	2		20040057348	A1	2004-03-25		2004-03-25		Shteyn et al.		25 Shteyn et al.				
	3		20050210507	A1	2005-09	-22	Hawkins et al.								
	4		20060059260	A1	2006-03	-16	Kelly et al.								
	5		20080133520	A1	2008-06	-05	Hempleman et al.								
	6		20080033821	A1	2008-02	-07	Jacobi et al.								
	7		20070247979	A1	2007-10	-25	Brillon et al.								
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210/478

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor Martin		tin Weel	
(Not for submission under 37 CFR 1.99)	Art Unit		2454	
	Examiner Name Le Hi		Hien Luu	
	Attorney Docket Numb	er	1116-063	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5790426		1998-08-04	Robinson	
	2	5884282		1999-03-16	Robinson	
	3	6317722	B1	2001-11-13	Jacobi et al.	
	4	6675268	B1	2004-01-06	DeKoning et al.	
	5	6853841	B1	2005-02-08	St. Pierre	
	6	7075000	B2	2006-07-11	Gang et al.	
	7	7134040	B2	2006-11-07	Ayres	
	8	7516212	B2	2009-04-07	Nguyen et al.	
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Application Number		10840109	
Filing Date		2004-05-05	
First Named Inventor Martin		n Weel	
Art Unit		2454	
Examiner Name Le Hie		en Luu	
Attorney Docket Number		1116-063	

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	3		20050210507	A1	2005-09	-22	Hawkins et al.									
	4	ź	20060059260	A1	2006-03	-16	Kelly et al.									
	5		20080133520	A1	2008-06	-05	Hempleman et al.									
	6	2	20080033821	A1	2008-02	9-07	Jacobi et al.									
	7	2	20070247979	A1	2007-10	-25	Brillon et al.									
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# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2454 Examiner Name Le Hien Luu Attorney Docket Number 1116-063

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Application Number		10840109	
Filing Date		2004-05-05	
First Named Inventor Martin		in Weel	
Art Unit		2454	
Examiner Name		Le Hien Luu	
Attorney Docket Number		1116-063	
	First Named Inventor Art Unit Examiner Name	First Named Inventor Martin Art Unit Examiner Name Le Hie	

CERTIFICATION STATEMENT	
1.98 to make the appropriate selection(s):	

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

### OR

Please see 37 CFR 1.97 and

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2010-03-10
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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Electronic Acknowledgement Receipt				
EFS ID:	7184875			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	71739			
Filer:	R. Chad Bevins/Julie Smith			
Filer Authorized By:	R. Chad Bevins			
Attorney Docket Number:	1116-063			
Receipt Date:	10-MAR-2010			
Filing Date:	05-MAY-2004			
Time Stamp:	19:54:47			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

Submitted with Payment		no						
File Listing:								
Document Number	Document Description		File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)		
1	Information Disclosure Statement (IDS) Filed (SB/08)		1116-063_IDS_6.pdf	612541	no	5		
				66dcd98e45b6ae6eb0b74df39df70262fb0 e89e7				
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### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 For: PLAYLIST DOWNLOADING

Examiner: Le Hien Luu Art Unit: 2454

# For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

# **RESPONSE TO THE OFFICE ACTION MAILED OCTOBER 26, 2009**

In response to the Office Action mailed October 26, 2009, Applicant offers the following amendments and remarks. Applicant encloses a payment in the amount of \$130.00 to cover the fee associated with a one-month Extension of Time. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

# In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for obtaining media, the method comprising: displaying on a first device a plurality of playlist names; selecting one of the plurality of playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

displaying on a first device at least one device identifier identifying a second device; selecting, via user input at the first device, the at least one device identifier;

receiving on the first device a playlist from the playlist server, the received playlist

corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and

directing, from the first device, <u>the</u> [[a]] second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device.

36. (Cancelled).

37. (Previously Presented) The method as recited in claim 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device.

39. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device and the second device comprises a media rendering device.

40. (Cancelled).

41. (Previously Presented) The method as recited in claim 39, further comprising adjusting at least one parameter on the second device from the first device selected from a group consisting of volume, tone, and balance.

42. (Cancelled).

43. (Currently Amended) The method as recited in claim 35, further comprising <u>displaying a</u> plurality of device identifiers on the first device, wherein each of the plurality of device identifiers identifies a corresponding device, and wherein selecting, via user input at the first device, the at least one device identifier further comprises selecting, via user input at the first device, the at least one device identifier from the plurality of device identifiers selecting the second device from the first device.

44. (Cancelled).

45. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in the first order.

46. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in an order other than the first order.

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

 (Currently Amended) A method for obtaining a song, the method comprising: obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

displaying on the first device at least one device identifier identifying a second device; selecting, via user input at the first device, the at least one device identifier; selecting a song identifier from the playlist; and

directing, from the first device, [[a]] <u>the</u> second device to obtain a song identified by the song identifier without user input via the second device.

49. (Previously Presented) The method of claim 48, further comprising:

requesting, by the second device, the song identified by the song identifier from a content server; and

downloading the song from the content server to the second device.

50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.

51. (Cancelled).

52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

 (Currently Amended) A device for selecting a media item, the device comprising: a display for displaying <u>at least one device identifier</u> a list of playlist names and media item names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

displaying the list of playlist names on the display;

selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

displaying on the display the at least one device identifier identifying at least one second device;

selecting, via user input at the device, the at least one device identifier;

receiving [[the]] <u>a</u> playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

selecting at least one media item name from the playlist; and

directing, from the [[first]] device, the at least one second device to send information representative of the at least one media item name to a content server without user input via the second device, and to receive obtain a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

59. (Currently Amended) A method for obtaining media, the method comprising:
<u>displaying on a first device at least one device identifier identifying a second device;</u>
<u>selecting, via user input at the first device, the at least one device identifier;</u>
displaying on [[a]] <u>the</u> first device a plurality of playlist names;
selecting one of the plurality of playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and

directing [[a]] <u>the</u> second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server <u>and to play</u> the media item.

60. (Currently Amended) A method for obtaining media, the method comprising: displaying on a first device a plurality of device identifiers;

selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies a second device;

sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on [[a]] <u>the</u> first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist; and

directing, from the first device, [[a]] <u>the</u> second device to receive a media item identified by the at least one media item identifier from a content server without user input via the second device server <u>and to play the media item</u>.

61. (Currently Amended) A method of directing a second device from a first device, the method comprising:

displaying on the first device a plurality of device identifiers;

selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies the second device;

sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting, at the first device, at least one media item identifier from the received playlist; and

directing, from the first device and in the absence of user input via the second device, the second device to obtain a media item identified by the at least one media item identifier from a content server and to play the media item.

62. (Previously Presented) The device of claim 53 wherein the device comprises a remote control device that is not capable of playing the media item corresponding to the at least one media item name.

### <u>REMARKS</u>

Applicant has carefully reviewed the Office Action mailed October 26, 2009, and offers the following remarks to accompany the above amendments.

# Status of the Claims

Claims 35, 37-39, 41, 43, 45-50, 52, 53, and 59-62 are currently pending. Claims 1-34, 36, 40, 42, and 54-58 were previously cancelled. Claims 44 and 51 are cancelled herein. Claims 35, 48, 53, and 59 have been amended to recite a feature of Applicant's invention wherein at least one device identifier identifying a second device is displayed on a first device. The at least one device identifier is selected via user input at the first device. This amendment is supported throughout the Specification and Figures including, for example, at paragraph 0106 and Figure 4. Claims 43, 60, and 61 have been amended to recite a similar feature wherein a plurality of device identifiers is displayed on the first device, and one of the plurality of device identifiers is selected via user input at the first device identifier a second device. This amendment is also supported by at least paragraph 0106 of the subject application. Claims 59, 60, and 61 have also been amended to emphasize a feature of Applicant's invention wherein the second device is not only directed to either receive or obtain a media item from a content server, but also to play the media item. This amendment is supported throughout the Specification and Figures, such as, for example, at paragraph 0112 of the subject application.

# Rejection Under 35 U.S.C. § 103(a) – Szeto and Janik

Claims 35, 37-39, 41, 43-53, and 59-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto") in view of U.S. Patent Application Publication No. 2005/0113946 A9 to Janik (hereinafter "Janik"). Applicant respectfully traverses. When determining whether a claim is obvious, an Examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "*there must be some articulated reasoning* with some rational underpinning to

support the legal conclusion of obviousness." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)(emphasis added)).

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 0023). The IM player interfaces with an IM server for IM messages and a media server to obtain media (Id. at para. 0016). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (Id. at para. 0027). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, each of Applicant's independent claims requires a first device to direct a second device to obtain or receive a song without user input via the second device. For example, Applicant's claim 35 recites "directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server. without user input via the second device." Claims 48, 53, and 59-61 contain similar limitations. Szeto fails to teach or suggest a first device directing a second device to obtain or receive a song from a content server without user input via the second device. Rather, Szeto teaches that a user must actively request a song by affirmatively selecting a hyperlink.

Applicant's claimed invention, as amended, also requires displaying on the first device at least one device identifier identifying a second device, and selecting via user input at the first device the at least one device identifier. For example, Applicant's claim 35 recites "*displaying* on a first device at least one device identifier identifying a second device; [and] selecting, via user input at the first device, the at least one device identifier." Claims 48, 53, and 59 contain similar limitations. Nowhere does Szeto teach or suggest the display of at least one device identifier, or the selection of a device identifier that identifies a second device.

Applicant's claim 60 recites "displaying on a first device a plurality of device identifiers; selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies a second device...." Nowhere does Szeto teach or suggest the display of a plurality of device identifiers or the selection of one of the plurality of device identifiers. Claim 61 contains a similar limitation.

The Patent Office concedes that Szeto fails to teach or suggest a second device that is directed by a first device to receive or obtain a media item. However, the Patent Office asserts that Janik discloses such features. Applicant respectfully disagrees. Janik discloses an audio converter device that can receive digital audio data and convert digital audio data into analog electrical data (Janik, Abstract). Janik also discloses that a PDA can be used as a system controller by manipulating software on a personal computer through a wireless LAN communication link (Janik, para. 0106). However, nowhere does Janik teach or suggest that the PDA can <u>direct the stereo</u> to receive or obtain a media item identified by a media item identifier from a content server, as recited in each of Applicant's claims 35, 48, 53, and 59-61. Rather, Janik discloses that the PDA may be used to manipulate software on the PC to "manage the audio content that is delivered to the stereo." However, Janik fails to teach or suggest that the PDA directs the PC to <u>receive</u> or <u>obtain</u> a media item from a content server. Janik also fails to teach or suggest that the PDA directs the PC to <u>receive</u> or <u>obtain</u> a media item from a content server. Janik also fails to teach or suggest that the PDA directs the PDA can direct the stereo in any manner.

Further, Janik fails to teach or suggest that a device identifier can be displayed on the PDA, or that a device identifier may be selected via user input at the PDA, as recited in Applicant's claims 35, 48, 53, and 59. Nor does Janik teach or suggest displaying on the PDA a plurality of device identifiers or selecting one of the plurality of device identifiers, as recited in Applicant's claims 60 and 61.

For at least the foregoing reasons, Applicant submits that neither Szeto nor Janik, either alone or in combination, can render Applicant's claims 35, 48, 53, 59, 60, or 61 obvious, and thus respectfully requests that the rejection be withdrawn.

Claims 37-39, 41, 43, and 45-47 depend directly or indirectly from claim 35; claims 49, 50, and 52 depend directly from claim 48; and claim 62 depends directly from claim 53. As such, since claims 35, 48, and 53 are allowable, claims 37-39, 41, 43, 45-47, 49, 50, 52, and 62 are also allowable. However, Applicant reserves the right to further address the rejection of claims 37-39, 41, 43, 45-47, 49, 50, 52, and 62 in the future, if needed.

## Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted, WITHROW & TERRANOVA, P.L.L.C.

By:

Eric P. Jensen Registration No. 37,647 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: <u>February 26, 2010</u> Attorney Docket: 1116-063

Electronic Patent Application Fee Transmittal							
Application Number:	10840109						
Filing Date:	05	-May-2004					
Title of Invention:	Playlist downloading for digital entertainment network						
First Named Inventor/Applicant Name:	Ma	artin Weel					
Filer:	Be	njamin Withrow/Sa	rah Fass				
Attorney Docket Number:	11	16-063					
Filed as Large Entity							
Utility under 35 USC 111(a) Filing Fees							
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)		
Basic Filing:							
Pages:							
Claims:							
Miscellaneous-Filing:							
Petition:							
Patent-Appeals-and-Interference:							
Post-Allowance-and-Post-Issuance:							
Extension-of-Time:							
Extension - 1 month with \$0 paid		1251	1	130	130		

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
	Total in USD (\$)			130

Electronic Acknowledgement Receipt				
EFS ID:	7094571			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	71739			
Filer:	Benjamin Withrow/Sarah Fass			
Filer Authorized By:	Benjamin Withrow			
Attorney Docket Number:	1116-063			
Receipt Date:	26-FEB-2010			
Filing Date:	05-MAY-2004			
Time Stamp:	11:09:31			
Application Type:	Utility under 35 USC 111(a)			

# Payment information:

Submitted with Payment	yes			
Payment Type	Credit Card			
Payment was successfully received in RAM	\$130			
RAM confirmation Number	8771			
Deposit Account	501732			
Authorized User JENSEN,ERIC P.				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:				
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)				

Document Number	<b>Document Description</b>	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.
1		1116-063_Response_to_OA_m	1289900		1 1
1		ailed_10-26-09.pdf	9b214ca76d32bd92fd102f0fd18128cf5a8d c7f9	yes	11
	Multi	part Description/PDF files in .	zip description		
	Document De	Start	E	nd	
	Amendment/Req. Reconsiderat	1		1	
	Claim	2		7	
	Applicant Arguments/Remark:	8	1	1	
Warnings:					
Information:		1	1		
2	Fee Worksheet (PTO-875)	fee-info.pdf	29834 4ca2a42fe0339f29c46eee74e6b287c8c15b	no	2
Warnings:			bade		
Information:					
		Total Files Size (in bytes)	13	19734	
characterized Post Card, as c <u>New Applicati</u> If a new applic 1.53(b)-(d) and Acknowledger <u>National Stage</u> If a timely sub U.S.C. 371 and national stage	edgement Receipt evidences receip by the applicant, and including pa described in MPEP 503. <u>ons Under 35 U.S.C. 111</u> cation is being filed and the applica d MPEP 506), a Filing Receipt (37 C ment Receipt will establish the filin <u>e of an International Application u</u> mission to enter the national stage l other applicable requirements a l e submission under 35 U.S.C. 371 w	age counts, where applicable. ation includes the necessary of FR 1.54) will be issued in due ng date of the application. <u>nder 35 U.S.C. 371</u> e of an international applicati Form PCT/DO/EO/903 indicati <i>i</i> ill be issued in addition to the	It serves as evidence components for a filin course and the date s on is compliant with t ng acceptance of the	of receipt s g date (see hown on th the conditic application	imilar to 37 CFR is ons of 35
	onal Application Filed with the US national application is being filed a nal filing date (see PCT Article 11 a	ind the international applicat			

PTO/SB/06 (07-06) Approved for use through 1/31/2007. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PA	PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					4		Docket Number 0,109		ing Date 05/2004	To be Mailed
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	SEARCH FEE (37 CFR 1.16(k), (i), c	or (m))	N/A		N/A		N/A			N/A	
	EXAMINATION FE (37 CFR 1.16(o), (p), (		N/A		N/A		N/A			N/A	
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		s	mi	nus 3 = *			X\$ =			X \$ =	
(37 CFR 1.16(h))       If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).											
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	APPI	(Column 1)		ED – PART II (Column 2)	(Column 3)	-	SMAL	L ENTITY	OR		ER THAN ALL ENTITY
AMENDMENT	02/26/2010	CLAIMS REMAINING AFTER AMENDMEN		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
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ENT	Total (37 CFR 1.16(i))	*	Minus	**	=		X\$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$ =		OR	X \$ =	
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This collection of information is required by 37 CFR 1.16. 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 1.14. 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 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.

	ED STATES PATENT	TAND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	FOR PATENTS	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/840,109	05/05/2004	Martin Weel	1116-063	9461	
	7590 10/26/2009 TERPANOVA CT		EXAMINER		
100 REGENCY	WITHROW & TERRANOVA CT 100 REGENCY FOREST DRIVE , SUITE 160		LUU, LI	E HIEN	
CARY, NC 27518		ART UNIT	PAPER NUMBER		
			2454		
			MAIL DATE	DELIVERY MODE	
			10/26/2009	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)					
	10/840,109	WEEL, MARTIN					
Office Action Summary	Examiner	Art Unit					
	Le Luu	2454					
The MAILING DATE of this communication app Period for Reply	bears on the cover sheet with the c	orrespondence address					
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>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.</li> <li>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.</li> <li>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).</li> </ul>							
Status							
1)⊠ Responsive to communication(s) filed on <u>17 Ju</u>	ıne 2009.						
	action is non-final.						
3) Since this application is in condition for allowar	nce except for formal matters, pro	osecution as to the merits is					
closed in accordance with the practice under E							
Disposition of Claims							
4)⊠ Claim(s) <u>35,37-39,41,43-53 and 59-62</u> is/are p	ending in the application						
4a) Of the above claim(s) is/are withdraw	-						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>35,37-39,41,43-53 and 59-62</u> is/are r	ejected						
7) Claim(s) $\underline{ab, 67, 55, 47, 45, 65, 40, 65, 62}$ is/are objected to.							
	r election requirement						
8) Claim(s) are subject to restriction and/o	r election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) acc	epted or b) objected to by the	Examiner.					
Applicant may not request that any objection to the							
Replacement drawing sheet(s) including the correct							
11) The oath or declaration is objected to by the Ex							
Priority under 35 U.S.C. § 119							
	mienity under 25 LLC C \$ 110/a	) (d) on (f)					
12) Acknowledgment is made of a claim for foreign	priority under 55 0.5.C. § 119(a)	)-(d) of (l).					
a) All b) Some * c) None of:	- le sur le sur us suit d						
1. Certified copies of the priority document							
2. Certified copies of the priority document							
3. Copies of the certified copies of the prior	•	ed 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) X Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)					
2) D Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate					
<ol> <li>Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date</li> </ol>	5) 🔛 Notice of Informal F 6) 🔲 Other:	atent Application					
U.S. Patent and Trademark Office							
	ction Summary Pa	art of Paper No./Mail Date 20091021					

1. Claims 35, 37-39, 41, 43-53, and 59-62 are presented for examination.

2. 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 negatived by the manner in which the invention was made.

3. Claims 35, 37-39, 41, 43-53, and 59-62 are rejected under 35 U.S.C. § 103 (a) as being unpatentable Szeto et al. (Szeto) Pub. No. 2005/0262204, in view of Janik, Pub. No. 2005/0113946.

4. As to claim 35, Szeto teaches the invention as claimed, including a method for playing media the method comprising:

displaying on a first device a plurality of playlist names (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

selecting one of the plurality of playlist names (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server Fig 3; pages 3-4, paragraphs[0024 – 0029]);

SAMSUNG EX. 1003

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

selecting at least one media item identifier from the received playlist (Fig 3; pages 3-4, paragraphs[0024 - 0029]); and

directing a second device to receive a media item identified by the at least one media item identifier from a content server (Fig. 4; pages 4-5, paragraph [0034]).

However, Szeto does not explicitly teach the directing step is directed by the first user without user input via the second device.

Janik teaches a PDA is used as an enhanced remote controller and/or player, and the PDA can be used as a remote control to manipulate a playlist on a PC to play a track on a stereo system (pages 5 and 7-8, paragraphs [0070 - 0080, 0100 – 0101, 0106 - 0108]).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Szeto and Janik to have the first device directs the second device to receive a media item without user input via the second device because it would allow user to listen to music on stereo system.

5. As to claims 37-39, 41, and 43-47, Szeto and Janik teach a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control to control the second device; the attribute selected from a group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of

at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Szeto, Fig 3; pages 1-4, paragraphs[0015, 0023 – 0029]; Janik, pages 5 and 7-8, paragraphs [0070 - 0080, 0100 – 0101, 0106 - 0110]).

6. Claims 48-53 and 59-62 have similar limitations as claims 35, 37-39, 41, 43-47; therefore, they are rejected under the same rationale.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. 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).

Page 5

/Le Luu/

Primary Examiner, Art Unit 2454

Notice of References Cited				Application/Control No. 10/840,109	Applicant(s), Reexaminat WEEL, MAF	ion	t Under	
			s oneu		Examiner	Art Unit		
				Le Luu	2454		Page 1 of 1	
	U.S. PATENT DOCUMENTS							
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name				Classification
*	А	US-2005/0113946	05-2005	Janik, Craig M.				700/094
*	В	US-2006/0218180	09-2006	Bodlaender et al.				707/103.00R
*	С	US-2004/0031058	02-2004	Reisman, Richard				725/112

Chang et al.

12-2002

### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Ν					
	0					
	Р					
	Q					
	R					
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	NON-PATENT DOCUMENTS					
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U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

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Notice of References Cited

Part of Paper No. 20091021

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2454

✓	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	I	Interference	ο	Objected

CL	AIM					DATE				
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009					1
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	5	-	-	_	-	_	-			+
	6	-	_	-	-	-				+
	7	-	_	_	-		_			+
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	33	-	-	-	-	-		$\neg$		1
	34	-	-	-	-	-	 1	+		1
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U.S. Patent and Trademark Office

Part of Paper No.: 20091021

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
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<b>√</b>	Rejected	-	Cancelled	Ν	Non-Elected	Α	Appeal
=	Allowed	÷	Restricted	I	Interference	ο	Objected

CL	AIM					DATE				
Final	Original	02/24/2009	10/10/2008	01/09/2000	03/16/2009					1
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	41	√	√	~	~	✓				
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U.S. Patent and Trademark Office

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Part of Paper No.: 20091021

# **EAST Search History**

# EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	157	(playlist\$1 with name\$1) same attribute\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 11:58
S2	15	S1 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:01
S3	420	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S4	117	S3 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S5	81	S4 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S6	56	S5 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:18

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S7	795	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S8	405	S7 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S9	72	S8 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:26
S10	3348	PDA with (remote adj3 control)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:54
S11	1182	S10 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:54
S12	535	S11 and (web\$2 or webtv \$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:55
S13	14	S12 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2009/10/21 15:55

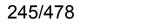
EAST Search History (Interference)

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10/22/09 9:28:56 AM C:\Documents and Settings\lluu\My Documents\EAST\Workspaces\10-840109 PD-20040505 Download playlist from server.wsp

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	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2454

# SEARCHED

Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	
700	94	10/21/09	LL
725	112, 134	10/21/09	LL

# SEARCH NOTES Search Notes Date Examiner EAST search reports 3/12/08 LL EAST search reports 10/10/08 LL

INTERFERENCE SEA	RCH	
Subclass	Date	Examiner
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10/21/09

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U.S. Patent and Trademark Office

Part of Paper No.: 20091021

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 For: **PLAYLIST DOWNLOAD**  Examiner: Le Hien Luu Art Unit: 2441

# For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

# **RESPONSE TO THE OFFICE ACTION MAILED MARCH 18, 2009**

In response to the Office Action mailed March 18, 2009, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

# In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for obtaining media, the method comprising:
 displaying on a first device a plurality of playlist names;
 selecting one of the plurality of playlist names;
 sending at least one attribute of a playlist corresponding to the selected playlist name to a
 playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and directing, from the first device, a second device to receive a media item identified by the

at least one media item identifier from a content server, without user input via the second device.

36. (Cancelled)

37. (Previously Presented) The method as recited in claim 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device.

39. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device and the second device comprises a media rendering device.

40. (Cancelled)

41. (Previously Presented) The method as recited in claim 39, further comprising adjusting at least one parameter on the second device from the first device selected from a group consisting of volume, tone, and balance.

42. (Cancelled)

43. (Previously Presented) The method as recited in claim 35, further comprising selecting the second device from the first device.

44. (Previously Presented) The method as recited in claim 35, wherein sending the at least one attribute of the playlist corresponding to the selected playlist name to the playlist server comprises sending at least one attribute selected from a group consisting of a type of music, a playlist name, an artist, an album, a song, an instrument, a record company, a region, a country, a state, a city, a school, a range of years, a genre, a search criteria, and an ethnicity.

45. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in the first order.

46. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in an order other than the first order.

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

48. (Currently Amended) A method for obtaining a song, the method comprising:
 obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

selecting a song identifier from the playlist; and

directing, from the first device, a second device to obtain a song identified by the song identifier without user input via the second device.

49. (Previously Presented) The method of claim 48, further comprising:requesting, by the second device, the song identified by the song identifier from a contentserver; and

downloading the song from the content server to the second device.

50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.

51. (Previously Presented) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.

52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

53. (Currently Amended) A device for selecting a media item, the device comprising: a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

displaying the list of playlist names on the display;

selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

selecting at least one media item name from the playlist; and

directing, from the first device, the at least one second device to send information representative of the at least one media item name to a content server <u>without user input</u> <u>via the second device</u>, and to receive a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

59. (Previously Presented) A method for obtaining media, the method comprising:
 displaying on a first device a plurality of playlist names;
 selecting one of the plurality of playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and directing a second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server.

 (Currently Amended) A method for obtaining media, the method comprising: sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on a first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and

directing, from the first device, a second device to receive a media item identified by the at least one media item identifier from a content server <u>without user input via the second device</u>.

61. (Previously Presented) A method of directing a second device from a first device, the method comprising:

sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting, at the first device, at least one media item identifier from the received playlist; and

directing, from the first device and in the absence of user input via the second device, the second device to obtain a media item identified by the at least one media item identifier from a content server.

62. (New) The device of claim 53 wherein the device comprises a remote control device that is not capable of playing the media item corresponding to the at least one media item name.

# **REMARKS**

Applicant has carefully reviewed the Office Action mailed March 18, 2009 and offers the following remarks to accompany the above amendments.

# Status of the Claims

Claims 35, 37-39, 41, 43-53, and 59-61 were previously pending. Claims 1-34, 36, 40, 42, and 54-58 were previously cancelled. Claims 35, 48, 53, and 60 have been amended to clarify that Applicant's invention relates to a first device directing a second device to obtain or receive content based on directions from the first device, without user input via the second device. Applicant notes that this limitation was previously recited in independent claims 59 and 61, but was not addressed by the Patent Office in the Office Action mailed March 18, 2009. Applicant has added new dependent claim 62 to recite further features of the first device. Accordingly, claims 35, 37-39, 41, 43-53, and 59-62 are pending.

# Rejection Under 35 U.S.C. § 103(a) – Szeto and Lee

Claims 35, 37-39, 41, and 43-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto") in view of U.S. Patent Application Publication No. 2003/0225834 A1 to Lee et al. (hereinafter "Lee"). Applicant respectfully traverses. When determining whether a claim is obvious, an Examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "*there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. The second device is directed by the first device, without user input at the second

device. Both Szeto and Lee, as discussed more fully herein, require user input via the second device and, consequently, cannot render obvious Applicant's claimed invention.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, <u>Applicant's claimed invention directs or instructs a second device to obtain or receive a song</u>. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which <u>a user could not affirmatively select a hyperlink</u>, such as a stereo receiver, a television, and the like.

The Patent Office concedes that Szeto fails to disclose a first device directing a second device to obtain or receive a song (Office Action mailed March 18, 2009, p. 3). The Patent Office suggests Lee discloses such features and asserts it would be obvious to combine the teachings of Lee with Szeto. Lee discloses a method and system for sharing dynamic content (Lee, Abstract). Lee discloses that an inviter computer may invite an invitee computer to share an audio experience (*Id.* at para 48). Lee discloses that the user of the invitee computer must accept an invitation from the inviter computer before the audio experience may be shared (*Id.* at paras. 49, 54, and 56, for example). Thus, similarly to Szeto, Lee requires user input via the second device prior to the initiation of a shared audio experience. In direct contrast, each of Applicant's independent claims require that the first device direct the second device without user input via the second device. Although this limitation was previously recited in independent claims 59 and 61, the Patent Office in its rejection of such claims stated "[c]laims 48-54 and 56-61 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale" (Office Action mailed March 18, 2009, p. 4). However, that statement is not accurate because at least claims 59 and 61 included limitations that differed from claims 35-47.

Applicant further notes that Szeto requires the second user to select a link on the second device because the first device is not even aware of the selection of the link by the second user,

or concerned about what is occurring on the second device. Thus, it would be contradictory to the invention disclosed in Szeto for the second device to obtain or receive the media content item without user input via the second device. Lee requires the second user (i.e., the user at the invitee computer) to acknowledge assent by accepting an invitation because the invention is focused on a shared audio experience. It would thus be inconsistent with Lee to force the second user to listen to music that the second user has no desire or interest to listen to. Consequently, not only do Szeto and Lee fail to teach or suggest Applicant's claimed invention, but it would not be obvious in view of Szeto and/or Lee to direct a second device to obtain or receive a media item without user input via the second device because such action would directly conflict with the goals of either invention. For at least the foregoing reasons, Applicant submits that neither Szeto or Lee, either alone or in combination, render Applicant's claimed invention obvious, and that Applicant's claims 35, 48, 53, 59, 60 and 61 are therefore allowable.

Claims 37-39, 41, 43-47, and 49-52 are dependent claims that depend directly or indirectly from claim 35, 48, or 53, respectively. Claims 37-39, 41, 43-47, and 49-52 are therefore allowable for at least the same reasons set forth above with respect to claims 35, 48, and 53. However, Applicant reserves the right to further address the rejection of claims 37-39, 41, 43-47, and 49-52 in the future, if needed.

Applicant's new claim 62 recites a further aspect of Applicant's invention wherein the first device is a remote control device <u>that is not capable of playing the media item</u> corresponding to the at least one media item name. Applicant submits that neither Szeto nor Lee disclose such an invention, nor would either invention work without a first device that plays the media item. In Szeto, the first device must play the media item because it is by virtue of the first device playing the media item that the second device is even aware of the media item. In Lee, the first device must play the media item because the invention is focused on a shared audio experience, and there could be no shared audio experience unless both devices were capable of playing the media item. Thus, Applicant submits claim 62 is allowable over Szeto and Lee.

#### Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted, WITHROW & TERRANOVA, P.L.L.C.

By: /Eric P. Jensen/

Eric P. Jensen Registration No. 37,647 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: June 17, 2009 Attorney Docket: 1116-063

Electronic Acknowledgement Receipt						
EFS ID:	5530656					
Application Number:	10840109					
International Application Number:						
Confirmation Number:	9461					
Title of Invention:	Playlist downloading for digital entertainment network					
First Named Inventor/Applicant Name:	Martin Weel					
Customer Number:	71739					
Filer:	Benjamin Withrow/Julie Smith					
Filer Authorized By:	Benjamin Withrow					
Attorney Docket Number:	1116-063					
Receipt Date:	17-JUN-2009					
Filing Date:	05-MAY-2004					
Time Stamp:	10:46:24					
Application Type:	Utility under 35 USC 111(a)					

# Payment information:

Submitted with Payment no									
File Listing:									
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)				
1		1116-063_Response_to_OA_m ailed_3-18-09.pdf	122690 0588750b652776353a4ae0cb2a142e21ed0 390a9	yes	10				

	Multipart Description/PDF files in .zip description								
	Document Description	Start	End						
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1						
	Claims	2	6						
	Applicant Arguments/Remarks Made in an Amendment	7	10						
Warnings:									
Information:									
	Total Files Size (in bytes):	1	22690						

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

# National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

# New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06) Approved for use through 1/31/2007. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PÆ	ATENT APPL	CATION I			required to respor		pplication or	Docket Number 0,109	Fil	ing Date 05/2004	To be Mailed
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APPLICATION AS FILED – PART I (Column 1) (Column 2)								ENTITY 🛛	OR		LL ENTITY
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	SEARCH FEE (37 CFR 1.16(k), (i), c		N/A		N/A		N/A			N/A	
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IND	EPENDENT CLAIM CFR 1.16(h))	s	mi	nus 3 = *			X\$ =			X\$ =	
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	MULTIPLE DEPEN										
" IT L	he difference in colu			ED – PART II			TOTAL			TOTAL	
	00/47/0000	(Column 1 CLAIMS REMAINING		(Column 2) HIGHEST NUMBER	(Column 3) PRESENT			L ENTITY	OR	SMA	R THAN LL ENTITY ADDITIONAL
AMENUMENI	06/17/2009	AFTER AMENDMEN	NT	PREVIOUSLY PAID FOR	EXTRA		RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
N N	Total (37 CFR 1.16(i))	* 19	Minus	** 34	= 0		X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 6	Minus	***10	= 0		X \$110 =	0	OR	X\$=	
AIV	Application Si	ze Fee (37 CF	R 1.16(s))								
	FIRST PRESEN	ITATION OF MU	ILTIPLE DEPEN	DENT CLAIM (37 CFI	R 1.16(j))				OR		
						-	TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
		(Column 1	)	(Column 2)	(Column 3)						
		CLAIMS REMAININ AFTER AMENDMEN		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	additional Fee (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=		X\$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		X \$ =		OR	X \$ =	
	Application Si	ze Fee (37 CF	R 1.16(s))								
AIV	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR		
						•	TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
"* lf "** lf	he entry in column the "Highest Numbe f the "Highest Numb "Highest Number P	er Previously P er Previously I	Paid For" IN TH Paid For" IN TH	IIS SPACE is less	than 20, enter "20' s than 3, enter "3".		Legal Ir /DIANE	nstrument Ex FLOYD/ priate box in colu			

This collection of information is required by 37 CFR 1.16. 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 1.14. 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 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.

	ted States Paten	IT AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22: www.uspto.gov	FOR PATENTS	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/840,109	05/05/2004	Martin Weel	1116-063	9461	
71739 CONCERT TE	7590 03/18/200 CHNOLOGY AND W	9 TTHROW & TERRANOVA	EXAMINER LUU, LE HIEN		
100 REGENC	Y FOREST DRIVE , SU				
CARY, NC 27.	518		ART UNIT	PAPER NUMBER	
			2441		
			MAIL DATE	DELIVERY MODE	
			03/18/2009	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)						
	10/840,109	WEEL, MARTIN						
Office Action Summary	Examiner	Art Unit						
	Le Luu	2441						
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address						
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>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.</li> <li>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.</li> <li>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).</li> </ul>								
Status								
1)⊠ Responsive to communication(s) filed on <u>20 F</u>	ebruary 2009.							
	action is non-final.							
3) Since this application is in condition for allowa	nce except for formal matters, pro	osecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.						
Disposition of Claims								
4)⊠ Claim(s) <u>35,37-39,41,43-53 and 59-61</u> is/are p	onding in the application							
4a) Of the above claim(s) <u>33,37-39,41,43-35 and 39-07</u> is/are p	-							
5) Claim(s) is/are allowed.	minom consideration.							
6)⊠ Claim(s) <u>35,37-39,41,43-53 and 59-61</u> is/are re	piected							
7) Claim(s) <u>claim(s)</u> is/are objected to.	Sjeeteu.							
8) Claim(s) are subject to restriction and/o	r election requirement							
	releaser requirement.							
Application Papers								
9) The specification is objected to by the Examine	r.							
10) The drawing(s) filed on is/are: a) acc	epted or b)∏ objected to by the ∣	Examiner.						
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	aminer. 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 * c) None of:		, (-, -, (-).						
1. Certified copies of the priority document	s have been received.							
2. Certified copies of the priority document		on No.						
3. Copies of the certified copies of the prior								
application from the International Bureau								
* See the attached detailed Office action for a list of the certified copies not received.								
	,							
Attachment(s) 1) X Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) hierview Summary Paper No(s)/Mail Da							
3) X Information Disclosure Statement(s) (PTO/SB/08)	5) 🔲 Notice of Informal F							
Paper No(s)/Mail Date <u>02/20/09</u> .	6) Other:							
U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06) Office Ad	tion Summary Pa	art of Paper No./Mail Date 20090316						

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1. Claims 35, 37-39, 41, and 43-61 are presented for examination.

2. 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 negatived by the manner in which the invention was made.

3. Claims 35, 37-39, 41, and 43-61 rejected under 35 U.S.C. § 103 (a) as being unpatentable Szeto et al. (Szeto) Pub. No. 2005/0262204, in view of Lee et al. (Lee), Pub. No. 2003/0225834.

4. As to claim 35, Szeto teaches the invention as claimed, including a method for playing media the method comprising:

displaying on a first device a plurality of playlist names (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

selecting one of the plurality of playlist names (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server Fig 3; pages 3-4, paragraphs[0024 – 0029]);

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receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

selecting at least one media item identifier from the received playlist (Fig 3; pages 3-4, paragraphs[0024 - 0029]); and

directing a second device to receive a media item identified by the at least one media item identifier from a content server (Fig. 4; pages 4-5, paragraph [0034]).

However, Szeto does not explicitly teach the directing step is directed by the first user.

Lee teaches an inviter computer communicates to an invitee computer information relating to shared dynamic content experience at the inviter computer and directs the invitee computer to stream a track directly from content server (pages 4-5, paragraphs [0039 – 0040, 0050 - 0052]; pages 7-8, paragraphs [0071 – 0076], page 10, paragraph [0101]).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Szeto and Lee to have the first device directs the second device to receive a media item because it would allow online co-users to listen to the same song automatically at the same time.

5. As to claims 37-39, 41, 43-47, and 55, Szeto and Lee teach a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control to control the second device; the attribute selected from a

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group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Szeto, Fig 3; pages 1-4, paragraphs[0015, 0023 – 0029]; Lee, page 2, paragraph [0025]; pages 4-5, paragraphs [0039 – 0040, 0050 - 0052]; pages 7-8, paragraphs [0071 – 0076], page 10, paragraph [0101]).

6. Claims 48-54 and 56-61 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. 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).

/Le Luu/

Primary Examiner, Art Unit 2441

Notice of References Cited	Application/Control No. 10/840,109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN	
Monee of Merchendes Oneu	Examiner	Art Unit	
	Le Luu	2441	Page 1 of 1

### **U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	А	US-2003/0225834	12-2003	Lee et al.	709/204
*	В	US-2004/0133914	07-2004	Smith et al.	725/086
*	С	US-2004/0205028	10-2004	Verosub et al.	705/059
	D	US-			
	Е	US-			
	F	US-			
	G	US-			
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	J	US-			
	к	US-			
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# FOREIGN PATENT DOCUMENTS

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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.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20090316

PTO/SB/08a (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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#### 10840109 Application Number 2004-05-05 Filing Date INFORMATION DISCLOSURE First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2441 2441 (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu Attorney Docket Number 1116-063

				U.S.I	PATENTS	Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6882299	B1	2005-04-19	Allport	
	2	6041311		2000-03-21	Chislenko et al.	
	3	6088722		2000-07-11	Herz et al.	
	4	7000188	B1	2006-02-14	Eustace	
	5	5616876		1997-04-01	Cluts	
	6	6865600	B1	2005-03-08	Brydon et al.	
	7	7081579	B2	2006-07-25	Alcalde et al.	
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Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2141 2441Examiner NameLe Hi⊨n LuuAttorney Docket Number1116-063

	U.S.PATENT APPLICATION PUBLICATIONS								
		Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear				
	1	20030229900	A1	2003-12-11	Reisman				
	2	20040031058	A1	2004-02-12	Reisman				
	3	20070219996	A1	2007-09-20	Jarvinen				
	4	20070168388	A1	2007-07-19	Plastina et al.				
	5	20070025194	A1	2007-02-01	Morse et al.				
	6	20060212444	A1	2006-09-21	Handman et al.				
	7	20010053994	A1	2001-12-20	Atcheson et al.				
	8	20030014759	A1	2003-01-16	Van Stam				
	9	20040078382	A1	2004-04-22	Mercer et al.				

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2441Examiner NameLe Hien LuuAttorney Docket Number1116-063

A1 10 20040162830 2004-08-19 Shirwadkar et al. 11 20040181604 A1 2004-09-16 Immonen 12 20050165888 A1 2005-07-28 Elliott 13 20060256669 A1 2006-11-16 Sakuma et al. A1 14 20020049760 2002-04-25 Scott et al. 15 20020168938 A1 2002-11-14 Chang 16 20030204439 A1 2003-10-30 Cullen, III 17 20030236843 A1 2003-12-25 Weber et al. Add If you wish to add additional U.S. Published Application citation information please click the Add button Remove FOREIGN PATENT DOCUMENTS Pages,Columns,Lines Name of Patentee or Examiner Cite Foreign Document Country Kind Publication where Relevant Т5 Applicant of cited Initial* Code² j No Number³ Code⁴ Date Passages or Relevant Document **Figures Appear** 1 

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#### Application Number 10840109 Filing Date 2004-05-05 **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT 2141 2441 Art Unit (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu 1116-063 Attorney Docket Number

			NON-PATENT LITERATURE DO	UMENTS	Remove					
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				Application/Control No.				Applicant(s)/Patent Under Reexamination			
Index of Claims			10840109			WEEL, MARTIN					
			Examiner			Art Unit					
				Le Luu			2441				
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	Application/Control No.	Applicant(s)/Patent Under Reexamination
Index of Claims	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2441

✓	Rejected	-	Cancelled	N	Non-Elected	Α	Appeal
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	37	√	√	√	√		-	-		+		
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	REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL									
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Application Number	10/840,109	Filing Date	2004-05-05	Docket Number (if applicable)	1116-063	Art Unit	2441			
First Named Inventor	Martin Weel			Examiner Name	Le Hien Luu	·				
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV										
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		SIGNATU	RE OF APPLICA	NT, ATTORNEY, OF	R AGENT REQUIRED					
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	Signature of Registered U.S. Patent Practitioner								
Signature	/Eric P. Jensen/	Date (YYYY-MM-DD)	2009-02-20						
Name	Eric P. Jensen	Registration Number	37647						

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- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:Martin WeelExaminer: Le Hien LuuSerial No. 10/840,109Art Unit: 2441Filed:05/05/2004For:PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

# **RESPONSE TO THE ADVISORY ACTION MAILED JANUARY 12, 2009**

In response to the Advisory Action mailed January 12, 2009, Applicant offers the following amendments and remarks to accompany a currently filed Request for Continued Examination (RCE). Applicant encloses a payment in the amount of \$940.00 to cover the fee associated with filing this RCE and to cover the fee associated with a One-Month Extension of Time and requests that this be considered a petition therefor. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

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# In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for obtaining media, the method comprising:
 displaying on a first device a plurality of playlist names;
 selecting one of the plurality of playlist names;
 sending at least one attribute of a playlist corresponding to the selected playlist name to a

playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and

directing, from the first device, a second device to receive a media item identified by the at least one media item identifier from a content server.

36. (Cancelled)

37. (Previously Presented) The method as recited in claim 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device.

39. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device and the second device comprises a media rendering device.

40. (Cancelled)

41. (Previously Presented) The method as recited in claim 39, further comprising adjusting at least one parameter on the second device from the first device selected from a group consisting of volume, tone, and balance.

42. (Cancelled)

43. (Previously Presented) The method as recited in claim 35, further comprising selecting the second device from the first device.

44. (Previously Presented) The method as recited in claim 35, wherein sending the at least one attribute of the playlist corresponding to the selected playlist name to the playlist server comprises sending at least one attribute selected from a group consisting of a type of music, a playlist name, an artist, an album, a song, an instrument, a record company, a region, a country, a state, a city, a school, a range of years, a genre, a search criteria, and an ethnicity.

45. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in the first order.

46. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in an order other than the first order.

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

 (Currently Amended) A method for obtaining a song, the method comprising: obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

selecting a song identifier from the playlist; and

directing, from the first device, a second device to obtain a song identified by the song identifier.

49. (Previously Presented) The method of claim 48, further comprising:
 requesting, by the second device, the song identified by the song identifier from a content
 server; and

downloading the song from the content server to the second device.

50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.

51. (Previously Presented) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.

52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

53. (Currently Amended) A device for selecting a media item, the device comprising: a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

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displaying the list of playlist names on the display;

selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

selecting at least one media item name from the playlist; and

directing, from the first device, the at least one second device to send information representative of the at least one media item name to a content server, and to receive a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

59. (New) A method for obtaining media, the method comprising:
 displaying on a first device a plurality of playlist names;
 selecting one of the plurality of playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and directing a second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server.

60. (New) A method for obtaining media, the method comprising:

sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on a first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers; selecting at least one media item identifier from the received playlist; and

directing, from the first device, a second device to receive a media item identified by the at least one media item identifier from a content server.

61. (New) A method of directing a second device from a first device, the method comprising: sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting, at the first device, at least one media item identifier from the received playlist; and

directing, from the first device and in the absence of user input via the second device, the second device to obtain a media item identified by the at least one media item identifier from a content server.

#### REMARKS

Applicant has carefully reviewed the Advisory Action mailed January 12, 2009 and offers the following remarks to accompany the above amendments.

Claims 35, 37-39, 41, and 43-58 were previously pending. Claims 1-34, 36, 40, 42, and 54-58 were previously cancelled. Applicant has added claims 59-61 herein. Accordingly, claims 35, 37-39, 41, 43-53, and 59-61 remain pending.

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. The second device is directed by the first device, without user input at the second device.

In the Advisory Action, the Patent Office has maintained the rejections based on U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto"). The Patent Office refers to the Office Action mailed October 20, 2008 (hereinafter the "Office Action") for its reasoning.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, <u>Applicant's claimed invention directs or instructs a second device to obtain or receive a song</u>. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which <u>a user could not affirmatively select a hyperlink</u>, such as a stereo receiver, a television, and the like.

Thus, Szeto neither teaches nor suggests a first device that can direct a second device to obtain or receive a media item, because Szeto discloses that a user must enter input at the second device to direct the second device to obtain the media item.

Applicant has amended independent claims 35, 48, and 53 to clarify that the second device in Applicant's claimed invention is directed by the first device, not a user at the second

<u>device</u>. Applicant has added new claims 59-61 to further emphasize related aspects of Applicant's invention, including that the second device is directed <u>without user input at the second device</u>.

Because Szeto discloses that a user must direct the device in Szeto to obtain songs, and because Applicant's claimed invention specifically requires either that the second device is directed by a first device or is directed without user input at the second device, Applicant submits that Szeto cannot anticipate Applicant's claimed invention, and that Applicant's claims are therefore allowable.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted, WITHROW & TERRANOVA, P.L.L.C.

By:

Eric P. Jensen Registration No. 37,647 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: February 20, 2009 Attorney Docket: 1116-063

283/478

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#### 10840109 Application Number Filing Date 2004-05-05 **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2141 (Not for submission under 37 CFR 1.99) Examiner Name Le Hien Luu Attorney Docket Number 1116-063

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	4	7000188	B1	2006-02-14	Eustace	
	5	5616876		1997-04-01	Cluts	
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Application Number		10840109		
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Art Unit		2141		
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	1	20030229900	A1	2003-12-11	Reisman	
	2	20040031058	A1	2004-02-12	Reisman	
	3	20070219996	A1	2007-09-20	Jarvinen	
	4	20070168388	A1	2007-07-19	Plastina et al.	
	5	20070025194	A1	2007-02-01	Morse et al.	
	6	20060212444	A1	2006-09-21	Handman et al.	
	7	20010053994	A1	2001-12-20	Atcheson et al.	
	8	20030014759	A1	2003-01-16	Van Stam	
	9	20040078382	A1	2004-04-22	Mercer et al.	

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Application Number		10840109
Filing Date		2004-05-05
First Named Inventor Martin		ı Weel
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	16	20030204439	A1	2003-10	-30	Cullen, III				
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	13	20060256669	A1	2006-11	-16	Sakuma et al.				
	12	20050165888	A1	2005-07	-28	Elliott				
	11	20040181604	A1	2004-09	-16	Immonen				
	10	20040162830	A1	2004-08	-19	Shirwadkar et	al.			

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Application Number:	10	840109					
Filing Date:	05-May-2004						
Title of Invention:	Invention: Playlist downloading for digital entertainment network						
First Named Inventor/Applicant Name:	Ma	artin Weel					
Filer:	er: Benjamin Withrow/Julie Smith						
Attorney Docket Number:	11	16-063					
Filed as Large Entity							
Utility under 35 USC 111(a) Filing Fees							
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)		
Basic Filing:							
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Claims:							
Miscellaneous-Filing:							
Petition:							
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Miscellaneous:				
Request for continued examination	1801	1	810	810
	Tot	al in USD	) (\$)	940

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EFS ID:	4831320
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	20-FEB-2009
Filing Date:	05-MAY-2004
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Application Type:	Utility under 35 USC 111(a)

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

	ted States Paten	T AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22: www.uspto.gov	FOR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461
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CARY, NC 27:	518		ART UNIT	PAPER NUMBER
			2441	
			MAIL DATE	DELIVERY MODE
			01/12/2009	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.

1. In the remarks, applicant argued in substance that

(A) Prior art does not teach direct a second device to obtain or receive a song identified by the song identifier.

As to point (A), Szeto teaches User A shares information about a song with User B, and User B is able to experience the same song by clicking on an indicator read on to limitation direct a second device to obtain or receive a song identified by the song identifier (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

(B) Prior art does not teach directing a second device to request a media item and receive a media item.

As to point (B), Szeto teaches User B clicks on an indicator that indicates a song identifier, and a media server begins to stream the song to User B read on to limitation directing a second device to request a media item and receive a media item (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

(C) Prior art does not teach displaying a plurality of playlist names.

As to point (C), Szeto teaches a user can display and share a playlist name with other users. Szeto inherently teaches user can display a plurality of playlist names even though Szeto discloses displaying a playlist name in the disclosure of the invention (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

2. Applicant's arguments filed on 12/22/2008 have been fully considered but they are not deemed to be persuasive. The rejections of claims 35, 37-39, 41, and 43-53, are respectfully maintained and incorporated by reference as set forth in the Final Office

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SAMSUNG EX. 1003

## Application/Control Number: 10/840,109 Art Unit: 2441

Action. In addition, office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."). Therefore, limitations that are argued by applicant but are not in claimed language are not being considered by Examiner.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SAMSUNG EX. 1003

Application/Control Number: 10/840,109 Art Unit: 2441

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).

/Le Luu/ Primary Examiner, Art Unit 2441

					Application/Control No.					Applicant(s)/Patent Under Reexamination				
	Index of Claims			10840109					WEEL, MARTIN					
						Examiner				Art Uı	nit			
						Le Luu				2141	2141			
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U.S. Patent and Trademark Office

Part of Paper No.: 20090108

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U.S. Patent and Trademark Office

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Part of Paper No.: 20090108

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 For: **PLAYLIST DOWNLOADING** 

Examiner: Le Hien Luu Art Unit: 2441

# For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

## **RESPONSE TO THE FINAL OFFICE ACTION MAILED OCTOBER 20, 2008**

In response to the Final Office Action mailed October 20, 2008, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

OK TO ENTER: /L.L./

01/08/2009

301/478

	Application No.	Applicant(s)						
Advisory Action	10/840,109	WEEL, MARTIN						
Before the Filing of an Appeal Brief	Examiner	Art Unit						
	Le Luu	2441						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
THE REPLY FILED 22 December 2008 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.						
<ol> <li>The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</li> <li>a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.</li> </ol>								
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or I NONTHER FUNCTION OF THE FUNCTION OF THE FORMER AND FORMED TO SERVICE	ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection.						
MONTHS OF THE FINAL REJECTION. See MPEP 706.07( Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in comp	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply origination three months after the mailing data.	of the fee. The appropriate extension fee nally set in the final Office action; or (2) as e of the final rejection, even if timely filed,						
filing the Notice of Appeal (37 CFR 41.37(a)), or any exte Notice of Appeal has been filed, any reply must be filed w <u>AMENDMENTS</u>	nsion thereof (37 CFR 41.37(e)), to ithin the time period set forth in 37	avoid dismissal of the appeal. Since a CFR 41.37(a).						
(a) They raise new issues that would require further co (b) They raise the issue of new matter (see NOTE belo	<ul> <li>The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</li> <li>(a) They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) They raise the issue of new matter (see NOTE below);</li> </ul>							
<ul> <li>(c) ☐ They are not deemed to place the application in bell appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a second secon</li></ul>	corresponding number of finally reje							
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.11 5. Applicant's reply has overcome the following rejection(s)	21. See attached Notice of Non-Co	mpliant Amendment (PTOL-324).						
6. Newly proposed or amended claim(s) would be al non-allowable claim(s).	lowable if submitted in a separate,	-						
<ul> <li>7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided to the status of the claim(s) is (or will be) as follows:</li> <li>Claim(s) allowed:</li> <li>Claim(s) objected to:</li> <li>Claim(s) rejected: <u>35,37-39,41 and 43-53</u>.</li> <li>Claim(s) withdrawn from consideration:</li> </ul>		l be entered and an explanation of						
<ul> <li><u>AFFIDAVIT OR OTHER EVIDENCE</u></li> <li>B. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ul>								
entered because the affidavit or other evidence failed to c	<ul> <li>9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> </ul>							
10. The affidavit or other evidence is entered. An explanatio	n of the status of the claims after e	ntry is below or attached.						
11. The request for reconsideration has been considered bu <u>Please refer to attachd sheets.</u>		condition for allowance because:						
<ul> <li>12. Note the attached Information <i>Disclosure Statement</i>(s).</li> <li>13. Other:</li> </ul>	(PTO/SB/08) Paper No(s)							
	/Le Luu/ Primary Examiner, Art U	Init 2441						
L U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06) Advisory Action Before	the Filing of an Appeal Brief	Part of Paper No. 20090108						

# 302/478

# SAMSUNG EX. 1003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 For: **PLAYLIST DOWNLOADING** 

Examiner: Le Hien Luu Art Unit: 2441

# For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

## **RESPONSE TO THE FINAL OFFICE ACTION MAILED OCTOBER 20, 2008**

In response to the Final Office Action mailed October 20, 2008, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

#### In the Claims:

1-34. (Cancelled).

35. (Previously Presented) A method for obtaining media, the method comprising: displaying on a first device a plurality of playlist names; selecting one of the plurality of playlist names; sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist; and

directing a second device to receive a media item identified by the at least one media item identifier from a content server.

36. (Cancelled)

37. (Previously Presented) The method as recited in claim 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device.

39. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device and the second device comprises a media rendering device.

40. (Cancelled)

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41. (Previously Presented) The method as recited in claim 39, further comprising adjusting at least one parameter on the second device from the first device selected from a group consisting of volume, tone, and balance.

42. (Cancelled)

43. (Previously Presented) The method as recited in claim 35, further comprising selecting the second device from the first device.

44. (Previously Presented) The method as recited in claim 35, wherein sending the at least one attribute of the playlist corresponding to the selected playlist name to the playlist server comprises sending at least one attribute selected from a group consisting of a type of music, a playlist name, an artist, an album, a song, an instrument, a record company, a region, a country, a state, a city, a school, a range of years, a genre, a search criteria, and an ethnicity.

45. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in the first order.

46. (Previously Presented) The method as recited in claim 35, wherein selecting the at least one media item identifier from the received playlist comprises selecting the plurality of media item identifiers from the received playlist in a first order, and directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in an order other than the first order.

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47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

48. (Previously Presented) A method for obtaining a song, the method comprising:
 obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

selecting a song identifier from the playlist; and directing a second device to obtain a song identified by the song identifier.

49. (Previously Presented) The method of claim 48, further comprising: requesting, by the second device, the song identified by the song identifier from a content server; and

downloading the song from the content server to the second device.

50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.

51. (Previously Presented) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.

52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

53. (Previously Presented) A device for selecting a media item, the device comprising: a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

displaying the list of playlist names on the display;

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selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

selecting at least one media item name from the playlist; and

directing the at least one second device to send information representative of the at least one media item name to a content server, and to receive a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

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#### REMARKS

Applicant has carefully reviewed the Final Office Action mailed October 20, 2008 and offers the following remarks to accompany the above amendments.

Claims 35, 37-39, 41, and 43-58 were previously pending. Claims 1-34, 36, 40, and 42 were previously cancelled. Applicant cancels claims 54-58 herein. No claims are added. Accordingly, claims 35, 37-39, 41, and 43-53 remain pending.

Claims 35, 37-39, 41, and 43-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. M.P.E.P. § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. Szeto neither teaches nor suggests a first device that can direct a second device to obtain or receive a media item.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, Applicant's claimed invention directs or instructs a second device to obtain or receive the song. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which a user could not affirmatively select a hyperlink, such as a stereo receiver, a television, and the like.

For example, Applicant's independent claim 35, among other limitations, requires "directing a second device to receive a media item identified by the at least one media item

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identifier from a content server." Nowhere does Szeto disclose directing a second device to do anything, let alone directing a second device to receive a media item. The Patent Office refers to Szeto, Fig. 4, pgs. 4 and 5, and para. 34, for support for its contention that Szeto discloses the referenced limitation (Final Office Action mailed October 20, 2008, p. 3). However, as discussed above, Szeto merely discloses that a second device can receive a hyperlink that can be activated by a user. Applicant submits that the ability to receive a hyperlink in no way anticipates a first device directing a second device to receive a media item, such as a song. Similarly, Applicant's independent claim 48 requires "directing a second device to obtain a song identified by the song identifier." Applicant's comments regarding claim 35 are thus equally applicable to claim 48. Applicant's independent claim 53 requires "directing the at least one second device to send information representative of the at least one media item name to a content server, and to receive a media item corresponding to the at least one media item name from the content server." Thus, Applicant's claim 53 not only requires that the second device receive the media item, but also that the second device request the media item from the content server. Nowhere does Szeto disclose directing a second device to request a media item and receive a media item.

Notably, Applicant's claim 35 also requires that the first device download a list of plurality of playlist names. Nowhere does Szeto disclose that the IM player in Szeto is capable of downloading a plurality of playlist names. Rather, Szeto at para. 29 indicates that the first user can listen to a particular playlist. Applicant submits that an ability to listen to a playlist of songs does not anticipate an ability to receive a plurality of playlist names and to select a particular playlist therefrom. Applicant's claim 53 contains similar limitations regarding a device configured to display a list of playlist names, and enable a selection of one of the playlist names.

For the foregoing reasons, Applicant submits that claims 1, 48, and 53 are not anticipated by Szeto, and are therefore allowable. Claims 37-39, 41, 43-47, and 49-52 are dependent claims ultimately based upon claims 35, 48, and 53, respectively. As such, claims 37-39, 41, 43-47, and 49-52 are allowable for at least the same reasons set forth above with respect to claims 35, 48, and 53. However, Applicant reserves the right to further address the rejection of claims 37-39, 41, 43-47, and 49-52 in the future, if needed.

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The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

> Respectfully submitted, WITHROW & TERRANOVA, P.L.L.C.

By:

" form Eric P. Jensen

Registration No. 37,647 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: December 22, 2008 Attorney Docket: 1116-063

Electronic Acl	knowledgement Receipt
EFS ID:	4499003
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	22-DEC-2008
Filing Date:	05-MAY-2004
Time Stamp:	10:17:59
Application Type:	Utility under 35 USC 111(a)

# Payment information:

Submitted wi	th Payment	no	no								
File Listing:											
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)						
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		mailed_10-20-08.pdf	c582de1aa17e12acc6e655fa90c5eb5e7081 fccb	yes	Ũ						

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	Amendment After Final	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	8
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Total Files Size (in bytes):

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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06) Approved for use through 1/31/2007. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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	SEARCH FEE (37 CFR 1.16(k), (i), d	or (m))	N/A		N/A		N/A			N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))			N/A		N/A		N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))			mir	us 20 = *			X\$ =		OR	X\$ =	
	EPENDENT CLAIM CFR 1.16(h))	s	m	inus 3 = *			X \$ =			X \$ =	
	APPLICATION SIZE 37 CFR 1.16(s)) MULTIPLE DEPEN	FEE shee is \$2 addi 35 U	ation and drawing er, the applicatio for small entity) sheets or fractior a)(1)(G) and 37								
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APPLICATION AS AMENDED – PART II (Column 1) (Column 2) (Column 3)								L ENTITY	OR		R THAN LL ENTITY
AMENDMENT	12/22/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	additional Fee (\$)		RATE (\$)	ADDITIONAL FEE (\$)
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AMF	Application Si	ze Fee (37 CFR	1.16(s))								
		ITATION OF MULT	PLE DEPEN	DENT CLAIM (37 CFF	R 1.16(j))				OR		
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		(Column 1)		(Column 2)	(Column 3)						
∟		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
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* lf t	he entry in column	1 is less than the	entry in col	umn 2, write "0" in	column 3.	- '	TOTAL ADD'L FEE	nstrument Ex	OR	TOTAL ADD'L FEE	
*** lf The	the "Highest Numbe f the "Highest Numb "Highest Number P	er Previously Pa reviously Paid Fo	d For" IN T r" (Total or	HIS SPACE is less	s than 3, enter "3". e highest number f	oun	/BRENI	DA WEBB/ opriate box in colu	mn 1.		

This collection of information is required by 37 CFR 1.16. 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 1.14. 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 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.

	ied States Paten	T AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22: www.uspto.gov	FOR PATENTS		
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/840,109	05/05/2004	Martin Weel	1116-063	9461		
71739 CONCEPT TE	7590 10/20/200	8 ITHROW & TERRANOVA	EXAMINER LUU, LE HIEN			
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CARY, NC 27	518		ART UNIT	PAPER NUMBER		
			2441			
			MAIL DATE	DELIVERY MODE		
			10/20/2008	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)										
	10/840,109	WEEL, MARTIN										
Office Action Summary	Examiner	Art Unit										
	Le Luu	2441										
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the o	correspondence address										
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply sispecified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be til ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	mely filed ys will be considered timely. 1 the mailing date of this communication. ED (35 U.S.C. § 133).										
Status												
1) Responsive to communication(s) filed on $27 J_{1}$	<u>une 2008</u> .											
3) Since this application is in condition for allowa												
closed in accordance with the practice under <i>l</i>	<i>x parte Quayle</i> , 1935 C.D. 11, 4	53 O.G. 213.										
Disposition of Claims												
4)⊠ Claim(s) <u>35,37-39,41 and 43-58</u> is/are pending	g in the application.											
4a) Of the above claim(s) is/are withdra	wn from consideration.											
5)☐ Claim(s) is/are allowed.												
6)⊠ Claim(s) <u>35,37-39,41 and 43-58</u> is/are rejected	d.											
7) Claim(s) is/are objected to.												
8) Claim(s) are subject to restriction and/c	in election requirement.											
Application Papers												
9)☐ The specification is objected to by the Examine	er.											
10) The drawing(s) filed on is/are: a) acc	epted or b) objected to by the	Examiner.										
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).										
Replacement drawing sheet(s) including the correc												
11) The oath or declaration is objected to by the E:	xaminer. Note the attached Office	e Action or form PTO-152.										
Priority under 35 U.S.C. § 119												
12) Acknowledgment is made of a claim for foreigr a) All b) Some * c) None of:	n priority under 35 U.S.C. § 119(a	)-(d) or (f).										
1. Certified copies of the priority document	ts have been received.											
2. Certified copies of the priority document												
3. Copies of the certified copies of the prio	•	ed in this National Stage										
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* See the attached detailed Office action for a list	or the certilied copies not receive	eu.										
Attachment(s)												
1) X Notice of References Cited (PTO-892)	4) 🔲 Interview Summary											
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D 5) Notice of Informal I	ate Patent Application (PTO-152)										
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/22/08</u> .	6) Other:											
U.S. Patent and Trademark Office	ction Summary Pa	art of Paper No /Mail Date 20081010										
PTOL-326 (Rev. 1-04) Office A	cuon Summary Pa	art of Paper No./Mail Date 20081010										

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Application/Control Number: 10/840,109 Art Unit: 2441

1. Claims 35, 37-39, 41, and 43-58 are presented for examination.

2. 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.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 35, 37-39, 41, and 43-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Szeto et al. (Szeto) Pub. No. 2005/0262204.

4. As to claim 35, Szeto teaches the invention as claimed, including a method for playing media the method comprising:

displaying on a first device a plurality of playlist names (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

selecting one of the plurality of playlist names (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server Fig 3; pages 3-4, paragraphs[0024 – 0029]);

receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (Fig 3; pages 3-4, paragraphs[0024 - 0029]);

selecting at least one media item identifier from the received playlist (Fig 3; pages 3-4, paragraphs[0024 - 0029]); and

directing a second device to receive a media item identified by the at least one media item identifier from a content server (Fig. 4; pages 4-5, paragraph [0034]).

5. As to claims 37-39, 41, 43-47, and 55, Szeto teaches a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control to control the second device; the attribute selected from a group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Fig 3; pages 1-4, paragraphs[0015, 0023 – 0029]).

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6. Claims 48-54 and 56-58 have similar limitations as claims 35-47; therefore, they

are rejected under the same rationale.

7. Applicant's arguments with respect to claims 35, 37-39, 41, and 43-58 have been

considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Le Luu whose telephone number is 571-272-3884. The

examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. 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

Application/Control Number: 10/840,109 Art Unit: 2441

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).

> /Le Luu/ Primary Examiner, Art Unit 2441

Notice of References Cited	Application/Control No. 10/840,109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN		
Notice of Neterences Offed	Examiner	Art Unit		
	Le Luu	2441	Page 1 of 1	

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	А	US-2005/0262204	11-2005	Szeto et al.	709/206
	В	US-			
	С	US-			
	D	US-			
	Е	US-			
	F	US-			
	G	US-			
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	М	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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*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.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20081010

### EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	157	(playlist\$1 with name\$1) same attribute\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 11:58
82	15	S1 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:01
83	420	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S4	117	S3 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S5	81	S4 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
<b>S</b> 6	56	S5 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:18
S7	795	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25

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<del>S</del> 9	72	S8 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:26	

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#### 10840109 Application Number 2004-05-05 Filing Date **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2141 (Not for submission under 37 CFR 1.99) Examiner Name Le Hein Luu Attorney Docket Number 1116-063

				U.S.	PATENTS	Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6456234	B1	2002-09-24	Johnson	
	2	7171018	B2	2007-01-30	Rhoads et al.	
	3	7218611	B2	2007-05-15	Mimura et al.	
	4	7249367	В2	2007-07-24	Bove, Jr. et al.	
	5	6195657	В1	2001-02-27	Rucker et al.	
If you wisl	h to ac	d additional U.S. Paten	t citatio	n information pl	ease click the Add button.	Add
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20050187976	A1	2005-08-25	Goodman et al.	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LL/ EFS Web 2.0

325/478

# SAMSUNG EX. 1003

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2141Examiner NameLe Hein LuuAttorney Docket Number1116-063

(Not for submission under 37 CFR 1.99)

	2	20050267944	A1	2005-12	!-01	Little, II					
	3	20060020662	A1	2006-01	-26	Robinson					
	4	20080016205	A1	2008-01	-17	Svendsen					
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	1	1 "Goombah - Preview," http://www.goombah.com/preview.html, printed January 8, 2008, 5 pages.				X					
	2	"Start Listening with Last.fm," http://www.last.fm/, 1 page. NO DATE.					X				
	3 JEFF MASCIA ET AL., "Lifetrak: Music In Tune With Your Life.," copyright 2006 ACM, 11 pages.							X			

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326/478

	Application Number		10840109
	Filing Date		2004-05-05
INFORMATION DISCLOSURE	First Named Inventor	Martir	n Weel
(Not for submission under 37 CFR 1.99)	Art Unit		2141
	Examiner Name	Le He	ein Luu
	Attorney Docket Numb	er	1116-063

	4 JUN WANG ET AL., "Music Recommender System for Wi-Fi Walkman," Number ICT-2003-01 in the ICT Group Technical Report Series, 23 pages.						
	5 "Musicstrands.com Because Music is Social," copyright 2006 MusicStrands, Inc., 2 pages.						
	6 "MyStrands for Windows," http://www.mystrands.com/overview.vm, copyright 2003-2007 MediaStrands, Inc., printed February 7, 2007, 3 pages.						
	7 "UpTo11.net - Music Recommendations and Search," http://www.upto11.net/, copyright 2005-2006 Upto11.net, printed February 7, 2007, 1 page.						
	8		NCHcast Radio - Yahoo! Messenger," http://messenger.yahoo.com ed November 8, 2007, 1 page.	m/launch.php, copyrigh	t 2007 Yahoo! Inc.,	X	
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327/478

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2141

	SEARCHED		
Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	LL

SEARCH NOTES					
Search Notes	Date	Examiner			
EAST search reports	3/12/08	LL			
EAST search reports	10/10/08	LL			

	INTERFERENCE SEARCH		
Class	Subclass	Date	Examiner

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U.S. Patent and Trademark Office

Part of Paper No.: 20081010

# SAMSUNG EX. 1003

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:Martin WeelExaminer: Le Hien LuuSerial No. 10/840,109Art Unit: 2141Filed:05/05/2004For:PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

### **RESPONSE TO THE OFFICE ACTION MAILED MARCH 27, 2008**

In response to the Office Action mailed March 27, 2008, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

#### In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for playing obtaining media, the method comprising:
 displaying on a first device a plurality of playlist names;
 selecting one of the plurality of playlist names;
 sending at least one attribute of a playlist corresponding to the selected playlist name to a

playlist server;

receiving <u>on the first device</u> a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist; and

directing a second device to receive a media item identified by the at least one media item

identifier from a content server

sending information representative of the at least one media item identifier to a content server;

receiving a media item identified by the at least one media item identifier from the content server; and

playing the at least one media item.

36. (Cancelled)

37. (Currently Amended) The method as recited in claim [[36]] <u>35</u>, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (Currently Amended) The method as recited in claim [[36]] <u>35</u>, wherein the first device comprises a remote control operative to control [[a]] <u>the</u> second device.

39. (Currently Amended) The method as recited in claim [[36]] <u>35</u>, wherein the first device comprises a remote control operative to control [[a]] <u>the</u> second device and the second device comprises a media rendering device.

#### 40. (Cancelled)

41. (Currently Amended) The method as recited in claim [[40]] <u>39</u>, further comprising adjusting at least one parameter on the second device from the first device selected from [[the]] <u>a</u> group consisting of volume, tone, and balance.

#### 42. (Cancelled)

43. (Currently Amended) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, further comprising selecting [[a]] the second device from the first device, and the playing the at least one media item comprises playing the at least one media item on the second device.

44. (Currently Amended) The method as recited in claim 35, wherein [[the]] sending <u>the</u> at least one attribute of [[a]] <u>the</u> playlist corresponding to the selected playlist name to [[a]] <u>the</u> playlist server comprises sending at least one attribute selected from [[the]] <u>a</u> group consisting of a type of music, a playlist name, an artist, an album, a song, an instrument, a record company, a region, a country, a state, a city, a school, a range of years, a genre, a search criteria, and an ethnicity.

45. (Currently Amended) The method as recited in claim 35, wherein [[the]] selecting the at least one media item identifier from the received playlist comprises selecting [[a]] the plurality of media item identifiers from the received playlist in a first order, and the playing the at least one media item directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises playing a plurality of the at least one media item directing the second device to receive a plurality of media items identified by the plurality of the at least one media item directing the second device to receive a plurality of media items identified by the plurality of media item identifier from the content server in the first order.

46. (Currently Amended) The method as recited in claim 35, wherein [[the]] selecting the at least one media item identifier from the received playlist comprises selecting [[a]] the plurality of

media item identifiers from the received playlist in a first order, and the playing the at least one media item <u>directing the second device to receive the media item identified by the at least one</u> media item identifier from the content server comprises playing a plurality of the at least one media item <u>directing the second device to receive a plurality of media items identified by the</u> plurality of media item identifiers from the content server in an order other than the first order.

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

48. (Currently Amended) A method for <del>playing music</del> <u>obtaining a song</u>, the method comprising:

obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

selecting a song identifier from the playlist; and

<u>directing a second device to</u> obtaining <u>obtain</u> a song identified by the song identifier <del>on a</del> second device over the Internet; and

playing the song on the second device at the request of the first device.

49. (Currently Amended) The method of claim 48, wherein the obtaining a song identified by the song identifier further comprises further comprising:

requesting, by the second device, the song identified by the song identifier from a content server; and

downloading the song from the content server to the second device.

50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.

[[52]] <u>51</u>. (Currently Amended) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.

[[53]] <u>52</u>. (Currently Amended) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

[[54]] <u>53</u>. (Currently Amended) A device for playing selecting a media item, the device comprising:

a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

displaying the list of playlist names on the display;

selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

selecting at least one media item name from the playlist; and

directing the at least one second device to sending send information representative of the at least one media item name to a content server, receiving and to receive a media item corresponding to the at least one media item name from the content server; and playing the media item.

[[55]] <u>54</u>. (Currently Amended) A system for playing music selecting a media item, the system comprising:

a first device configured to display a plurality of names of playlists and a plurality of names of media items and to facilitate selection of at least one of the plurality of names of playlists and at least one of the plurality of names of media items;

a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding to the at least one attribute to the first device;

a content server configured to receive information representative of at least one media item from the first at least one second device and to send a media item corresponding to the information to the first device the at least one second device; and

the at least one second device configured to send an attribute of a playlist to the playlist server, to send information representative of a media item to the content server, to receive a playlist from the playlist server, and to receive [[a]] the media item from the content server.

55. (New) The method of claim 35, further comprising directing the second device to provide playback of the media item on the second device.

56. (New) The method of claim 48, further comprising directing the second device to play the song.

57. (New) The device of claim 53, wherein the device is further configured to facilitate directing the at least one second device to play the media item on the at least one second device.

58. (New) The system of claim 54, wherein the at least one second device is further configured to play the media item.

#### **REMARKS**

Applicant has carefully reviewed the Office Action mailed March 27, 2008 and offers the following remarks to accompany the above amendments.

#### **Claim Amendments**

Claims 52-55 were objected to as not being in accordance with 37 C.F.R. § 1.126. Applicant has renumbered claims 52-55 to be claims 51-54. Accordingly, the objection to claims 51-54 should be withdrawn. Applicant has added new dependent claims 55-58, which depend from independent claims 35, 48, 53, and 54, respectively. Applicant has also amended claims 35, 48, 53, and 54 to require that a second device be directed to receive a media item or song, as appropriate, as discussed in greater detail below. Applicant has cancelled claims 36, 40, and 42 in view of the amendments to claims 35, 48, 53, and 54. Claims have also been amended for purposes of clarification, including to ensure correct antecedent basis and as appropriate in view of the amendments to claims 35, 48, 53, and 54.

#### Rejection Under 35 U.S.C. § 102(e) - Cue

Claims 35-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0240494 A1 to Cue et al. (hereinafter "Cue"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Cue discloses a system for sharing playlists and facilitating purchasing media items identified by playlists. A user may publish/upload a playlist to a media commerce server (Cue, par. 0038). Other users may review the playlist and purchase media items identified by the playlist (*Id.* at par. 0031).

Applicant's claimed invention, as amended, relates to receiving playlists and media items on a first device, and directing a second device to obtain a selected media item. For example, among other requirements, Applicant's independent claim 35 requires that a media item identifier associated with a playlist be selected on a first device, and directing a second device to receive a media item identified by the media item identifier from a content server. Cue fails to teach or

suggest selecting a playlist on a first device and directing a second device to receive a media item associated with a media item identifier on the selected playlist, nor has the Patent Office shown where Cue discloses such limitations. Regarding independent claims 48, 53, and 54, each of which contains limitations similar to those discussed above with respect to independent claim 35, the Patent Office has provided no independent basis for the rejection. Rather, the Patent Office asserts that "[c]laims 48-54 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale" (Office Action mailed March 27, 2008, p. 4). Consequently, for the reasons discussed above, Applicant believes claims 35, 48, 53, and 54 are now allowable, and allowance is respectfully requested.

The Patent Office rejects Applicant's dependent claims 36-47 with the broad assertion that the limitations discussed in such claims are taught in Cue at Figs. 2, 4, and 5; pages 1-3; and pars. 0004, 0005, 0031, 0037, and 0038, without specifically identifying where in Cue any of these particular limitations are disclosed. The Patent Office then summarily rejects claims 48-54 with the assertion that the limitations in claims 48-54 are similar to those in claims 35-47, and "are rejected under the same rationale" (Office Action mailed March 27, 2008, p. 4). While Applicant believes claims 37-39, 41, 43-47, 49-52, and 55-58, which are dependent claims depending directly or indirectly from independent claims 35, 48, 53, and 54, respectively, are allowable at least because they depend from allowable independent claims 35 and 48, Applicant notes that, in contrast to the Patent Office's unsupported assertion. Cue also fails to teach or suggest many of the limitations contained in such claims. For example, Cue fails to teach or suggest any of the following claimed limitations: a first device comprising a remote control operative to control the second device (claims 38 and 39); adjusting at least one parameter on the second device from the first device (claims 41 and 52); selecting the second device from the first device (claim 43); selecting the plurality of media items in a first order and receiving the media items in the first order (claim 45); automatically providing a recommendation of a playlist name based upon listening habits of a listener (claim 47); or directing a second device to play the media item (claims 55 and 56).

Accordingly, for at least these reasons, Applicant urges that Cue does not anticipate independent claims 35, 48, 53, and 54, nor does Cue anticipate claims 37-39, 41, 43-47, 49-52, and 55-18, which are dependent claims depending directly or indirectly from independent claims 35, 48, 53, and 54, respectively, for at least the same reasons.

#### Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

5

Eric P. Jensen/ Registration No. 37,647 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: June 27, 2008 Attorney Docket: 1116-063

337/478

Electronic Acl	Electronic Acknowledgement Receipt				
EFS ID:	3531441				
Application Number:	10840109				
International Application Number:					
Confirmation Number:	9461				
Title of Invention:	Playlist downloading for digital entertainment network				
First Named Inventor/Applicant Name:	Martin Weel				
Customer Number:	71739				
Filer:	Benjamin Withrow/Julie Smith				
Filer Authorized By:	Benjamin Withrow				
Attorney Docket Number:	1116-063				
Receipt Date:	27-JUN-2008				
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Application Type:	Utility under 35 USC 111(a)				

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#### Application Number 10840109 Filing Date 2004-05-05 **INFORMATION DISCLOSURE** First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2141 (Not for submission under 37 CFR 1.99) Examiner Name Le Hein Luu Attorney Docket Number 1116-063

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	2	7171018	B2	2007-01-30	Rhoads et al.	
	3	7218611	B2	2007-05-15	Mimura et al.	
	4	7249367	B2	2007-07-24	Bove, Jr. et al.	
	5	6195657	B1	2001-02-27	Rucker et al.	
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	1	20050187976	A1	2005-08-25	Goodman et al.	

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2141Examiner NameLe Hein LuuAttorney Docket Number1116-063

(Not for submission under 37 CFR 1.99)

2	20050267944	A1	2005-12	-01	Little, II					
3	20060020662	A1	2006-01	-26	Robinson					
4	20080016205	A1	2008-01	-17	Svendsen					
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	Application Number		10840109
	Filing Date		2004-05-05
INFORMATION DISCLOSURE	First Named Inventor	Martir	n Weel
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2141
	Examiner Name	Le He	ein Luu
	Attorney Docket Numb	er	1116-063

	4 JUN WANG ET AL., "Music Recommender System for Wi-Fi Walkman," Number ICT-2003-01 in the ICT Group Technical Report Series, 23 pages.					
	5 "Musicstrands.com Because Music is Social," copyright 2006 MusicStrands, Inc., 2 pages.					
	6		strands for Windows," http://www.mystrands.com/overview.vm, copyright 2003-2007 Medi uary 7, 2007, 3 pages.	aStrands, Inc., printed	X	
	7		o11.net - Music Recommendations and Search," http://www.upto11.net/, copyright 2005- uary 7, 2007, 1 page.	2006 Upto11.net, printed	X	
	8		NCHcast Radio - Yahoo! Messenger," http://messenger.yahoo.com/launch.php, copyrigh ed November 8, 2007, 1 page.	t 2007 Yahoo! Inc.,	X	
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Standard S ⁻ ⁴ Kind of do	T.3). ³ F cument	or Japa by the	^{TO} Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the docume anese patent documents, the indication of the year of the reign of the Emperor must precede the ser appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applic on is attached.	ial number of the patent doc	ument.	

	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martir	n Weel	
STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Art Unit		2141	
	Examiner Name	Le He	ein Luu	
	Attorney Docket Numb	er	1116-063	

CERT	IFICAT	ION	STAT	EMEN	IT .

	CERTIFICATION STATEMENT						
Ple	Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):						
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).						
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×	foreign patent o after making rea any individual d	information contained in the information di ffice in a counterpart foreign application, and sonable inquiry, no item of information conta esignated in 37 CFR 1.56(c) more than thr 37 CFR 1.97(e)(2).	d, to the knowledge of the lined in the information dis	e person signing the certification sclosure statement was known to			
	See attached ce	rtification statement.					
	Fee set forth in 3	37 CFR 1.17 (p) has been submitted herewith	l.				
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	signature of the ap n of the signature.	plicant or representative is required in accord	lance with CFR 1.33, 10.1	8. Please see CFR 1.4(d) for the			
Sig	nature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2008-04-22			
Nai	Name/Print         R. Chad Bevins         Registration Number         51,468						
pub 1.1- app	This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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 require to should be sont to the Chief Information Officer LLS.						

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.

Γ

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
  - 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Electronic Acl	knowledgement Receipt
EFS ID:	3187381
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	22-APR-2008
Filing Date:	05-MAY-2004
Time Stamp:	10:15:58
Application Type:	Utility under 35 USC 111(a)

# Payment information:

Submitted wit	h Payment	no				
File Listin	g:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)	
1	Information Disclosure Statement	1116-063 IDS 3.PDF	768810	no	5	
ľ	(IDS) Filed	1110-003_103_3.1 01	b329b5b66f1bee36aba7b8ecc79beb35 8d7ec540	no	5	
Warnings:						
Information:						

2	NPL Documents	Goombah_Preview.pdf	571527	no	5
-			6607a1c9c204382b7d386a1bb55d8d8 75a027291		
Warnings:					
Information:					
3	NPL Documents	lastfm.pdf	94420	20	1
5	NFE Documents	lastint.pu	6eeb0a01eacae9eeae7d29610e885ac ba3710a2a	no	
Warnings:					
Information:					
4	NPL Documents	LifeTrak.pdf	1636116	no	11
			5299970e4a30b9a56ab09c7127580e6 1a04tdf90	no	
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5	NPL Documents	Music_Recommednder_Syst	743596	no	23
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#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

	<u>'ed States Paten</u>	T AND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 22: www.uspto.gov	FOR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,109	05/05/2004	Martin Weel	1116-063	9461
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CARY, NC 27.	518		ART UNIT	PAPER NUMBER
			2141	
			MAIL DATE	DELIVERY MODE
			03/27/2008	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)							
	10/840,109	WEEL, MARTIN							
Office Action Summary	Examiner	Art Unit							
	Le Luu	2141							
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address							
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>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.</li> <li>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.</li> <li>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).</li> </ul>									
Status									
1) Responsive to communication(s) filed on <u>05/08</u>	5/04 - 01/03/08.								
	action is non-final.								
3) Since this application is in condition for allowar		secution as to the merits is							
closed in accordance with the practice under E									
Disposition of Claims									
4) Claim(s) <u>35-54</u> is/are pending in the application									
4a) Of the above claim(s) <u>33-54</u> is/are pending in the application									
5) Claim(s) is/are allowed.	without consideration.								
6) Claim(s) <u>35-54</u> is/are rejected.									
7) Claim(s) is/are objected to.									
8) Claim(s) are subject to restriction and/o	r election requirement.								
Application Papers									
9) The specification is objected to by the Examine	r.								
10)⊠ The drawing(s) filed on <u>05 May 2004</u> is/are: a)	⊠ accepted or b)⊡ objected to I	by the Examiner.							
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	ected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Ex									
Priority under 35 U.S.C. § 119									
		(-1) ( <b>f</b> )							
12) Acknowledgment is made of a claim for foreign	phonty under 35 U.S.C. § 119(a)	-(a) or (i).							
a) All b) Some * c) None of:									
1. Certified copies of the priority documents		an Na							
2. Certified copies of the priority documents									
3. Copies of the certified copies of the prior	•	ed in this National Stage							
application from the International Bureau		4							
* See the attached detailed Office action for a list	or the certified copies not receive	a.							
Attachment(s)	_								
1) X Notice of References Cited (PTO-892)	4) Interview Summary								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) 🔲 Notice of Informal P								
Paper No(s)/Mail Date $\frac{11/28/07-01/03/08}{2}$ .	6) 🔲 Other:								
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2. Claims 52-55 are objected because the numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

3. For purpose of examination, misnumbered claims 52-55 been renumbered 51-54.

4. Applicant is requested to file an amendment to renumber original claim numbers 52-55 to 51-54.

5. 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.

351/478

### Application/Control Number: 10/840,109 Art Unit: 2141

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 35-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cue et al. (Cue) Pub. No. 2005/0240494.

7. As to claim 35, Cue teaches the invention as claimed, including a method for playing media the method comprising:

displaying a plurality of playlist names (pages 2-3, paragraph [0033]);

selecting one of the plurality of playlist names (pages 2-3, paragraph [0033]);

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server (Fig 2; page 3, paragraphs [0037 – 0039]);

receiving a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (pages 2-3, paragraph [0033 – 0034]);

selecting at least one media item identifier from the received playlist (pages 2-3, paragraph [0033 – 0034]);

sending information representative of the at least one media item identifier to a content server (pages 2-3, paragraph [0033 – 0034]);

receiving a media item identified by the at least one media item identifier from the content server (pages 2-3, paragraph [0033 – 0034]); and

playing the at least one media item (pages 2-3, paragraph [0033 – 0034]).

8. As to claims 36-47, Cue teaches playing the at least one media item on a first device or a second device; a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control; the attribute selected from a group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Figs. 2, 4-5; pages 1-3, paragraphs [0004 - 0005, 0031, 0037 - 0038]).

9. Claims 48-54 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale.

10. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. 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://pairdirect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (tollfree).

/Le Luu/

Primary Examiner, Art Unit 2141

		Notice of Reference	c Citod		Application/Control No. Applicant(s)/ 10/840,109 WEEL, MAR			
		Notice of Reference	s cheu		Examiner			
					Le Luu		2141	Page 1 of 1
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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY				Classification	
*	А	US-2005/0240494	10-2005	Cue et a	al.			705/027
*	в	US-2006/0294212	12-2006	Kikkawa	a et al.			709/223
*	с	US-2004/0055014	03-2004	Edelson	n, Justin			725/110
*	D	US-2003/0217102	11-2003	Jystad e	et al.			709/203
*	Е	US-2002/0007418	01-2002	Hegde e	et al.	709/231		
*	F	US-2005/0071881	03-2005	Deshpa	nde, Sachin (	725/088		
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* 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.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20080324

					Application/Control No.				Ap Ree	Applicant(s)/Patent Under Reexamination				
	Ind	lex of (	Claim	IS		10840109				WE	EL, MA	RTIN		
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Index of Claims					Application/Control No. 10840109 Examiner				Reexa	Applicant(s)/Patent Under Reexamination WEEL, MARTIN					
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						Le Luu				2141	I				
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357/478

	Application/Control No.	Applicant(s)/Patent Under Reexamination
Search Notes	10840109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2141

SEARCHED										
Class	Subclass	Date	Examiner							
709	223, 217, 219, 203, 231	3/12/08	LL							
705	27	3/12/08	LL							
725	88	3/12/08	LL							
707	200	3/12/08	LL							

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search reports	3/12/08	LL

	INTERFERENCE SEARCH		
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### BIB DATA SHEET

### **CONFIRMATION NO. 9461**

<b>SERIAL NUM</b> 10/840,10		FILING or 371(c) DATE 05/05/2004	<b>CLASS</b> 709	GROUP ART UNIT 2141		ATTORNEY DOCKE NO. 1116-063					
		RULE									
	APPLICANTS Martin Weel, Modjeska, CA;										
** CONTINUING DATA *******************											
** FOREIGN A	PPLIC#	ATIONS ***************	*****								
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#### EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	157	(playlist\$1 with name\$1) same attribute\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 11:58
82	15	S1 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:01
S3	420	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
<b>S</b> 4	117	S3 and @ad< "20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S5	81	S4 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
<b>S</b> 6	56	S5 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:18

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#### Application Number 10840109 Filing Date 2004-05-05 INFORMATION DISCLOSURE First Named Inventor Martin Weel STATEMENT BY APPLICANT Art Unit 2141 (Not for submission under 37 CFR 1.99) Examiner Name Le Hein Luu Attorney Docket Number 1116-063

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/LL/	2	7292588	B2	2007-11-06	Milley et al.	Milley et al.		
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/LL/	1	20050151327	A1	2002-10-17	Levitt			
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number10840109Filing Date2004-05-05First Named InventorMartin WeelArt Unit2141Examiner NameLe Hein LuuAttorney Docket Number1116-063

(Not for submission under 37 CFR 1.99)

/LL/	5	20040246372	A1	2004-12	2-09	Megeid					
/LL/	6	20050091693	A1	2005-04	l-28	Amine et al.					
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/LL/	8	20060135059	A1	2006-06-22		нш					
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## INFORMATION DISCLOSURE **STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor Martir		n Weel		
Art Unit		2141		
Examiner Name Rupa		Dharia		
Attorney Docket Number		1116-063		

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Examiner Name Rupa		Dharia	
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	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martin		ı Weel	
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	Examiner Name	Rupal	l Dharia	
	Attorney Docket Numb	er	1116-063	

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	1	20050151327	A1	2002-10-17	Levitt		
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Attorney Docket Numb	er	1116-063		

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	7	20050120373	A1	2005-06	j-02	Thomas et al.					
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# INFORMATION DISCLOSURE Application Number 10840109 Filing Date 2004-05-05 First Named Inventor Martin Weel Art Unit 2141 Examiner Name Le Hein Luu Attorney Docket Number 1116-063

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	Examiner Name Le He		Hein Luu	
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- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
  - 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acl	knowledgement Receipt
EFS ID:	2665958
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Steven Terranova/Julie Smith
Filer Authorized By:	Steven Terranova
Attorney Docket Number:	1116-063
Receipt Date:	03-JAN-2008
Filing Date:	05-MAY-2004
Time Stamp:	14:57:18
Application Type:	Utility under 35 USC 111(a)

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File Listin	ıg:								
Document Number	Document Description		File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)				
1	Information Disclosure Statement	1116-063 IDS 2.pdf	734317		5				
I	(IDS) Filed	1110-003_1D3_2.pdf	a0ef18b47deed6ceecbbb94b716412e6 30a5b2d0	no	5				
Warnings:									
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#### New Applications Under 35 U.S.C. 111

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#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

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PTO/SB/08a (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martin		n Weel	
(Not for submission under 37 CFR 1.99)	Art Unit		2141	
	Examiner Name Rupa		al Dharia	
	Attorney Docket Numb	er	1116-063	

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	1	6526411	B1	2003-02-25	Ward			
	2	6990497	B2	2006-01-24	O'Rourke et al.			
	3	7020710	B2	2006-03-28	Weber et al.			
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	1	20020032019	A1	2002-03-14	Marks et al.			
	2	20020144259	A1	2002-10-03	Gutta et al.			

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number		10840109		
Filing Date		2004-05-05		
First Named Inventor Martin		Weel		
Art Unit		2141		
Examiner Name Rupa		Dharia		
Attorney Docket Number		1116-063		

3	20020166123	A1	2002-11-07	Schrader et al.	
4	20020174426	A1	2002-11-21	Gutta et al.	
5	20030093790	A1	2003-05-15	Logan et al.	
6	20030147624	A1	2003-08-07	Trajkovic et al.	
7	20030182315	A1	2003-09-25	Plastina et al.	
8	20030225834	A1	2003-12-04	Lee et al.	
9	20030227478	A1	2003-12-11	Chatfield	
10	20040086120	A1	2004-05-06	Akins, III et al.	
11	20040249708	A1	2004-12-09	Jacobs et al.	
12	20040255340	A1	2004-12-16	Logan	
13	20040267899	A1	2004-12-30	Rahman et al.	

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(Not for submission under 37 CFR 1.99)

Application Number		10840109			
Filing Date		2004-05-05			
First Named Inventor Martin		Weel			
Art Unit		2141			
Examiner Name Rupa		Dharia			
Attorney Docket Number		1116-063			

	15	20050113946	A9	2005-05	-26	Janik				
	10	20030113040		2003-00	-20					
	16	20050234995	A1	2005-10	-20	Plastina et al.				
	17	20050251565	A1	2005-11	-10	Weel				
	18	20050251576	A1	2005-11	-10	Weel				
	19	20050251807	A1	2005-11	-10	Weel				
	20	20060087926	A1	2006-04	-27	Hwang				
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Examiner Initial*	Cite No	Foreign Document Number³	Countr Code ²			Publication Date Name of Patentee Applicant of cited Document			Pages,Columns,Line where Relevant Passages or Relevan Figures Appear	<b>T</b> 5
	1									

# INFORMATION DISCLOSURE Application Number 10840109 STATEMENT BY APPLICANT Filing Date 2004-05-05 (Not for submission under 37 CFR 1.99) First Named Inventor Martin Weel Art Unit 2141 Examiner Name Rupal Dharia Attorney Docket Number 1116-063

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T⁵		
	1	"MyStrands Labs: Patent-pending Technologies," http://labs.mystrands.com/patents.html, printed February 7, 2007, 5 pages.	×		
	2	"Music Downloads - Over 2 Million Songs - Try It Free - Yahoo! Music," http://music.yahoo.com/ymu/default.asp, copyright 2006 Yahoo! Inc., printed February 7, 2007, 1 page.	X		
	3 "Billboard Music Charts - Latest Music News - Music Videos," http://www.billboard.com/bbcom/index.jsp, printed February 7, 2007, 2 pages.				
	4 "CNN.com - Breaking News, U.S., World, Weather, Entertainment & Video News," http://www.cnn.com/, copyright 2007 Cable News Network LP, LLLP, printed February 7, 2007, 3 pages.				
	5	"InferNote is an exploration tool for your music collection," http://www.itweaks.com/infdoc/index.html, copyright 2004 otherslikeyou.com Inc., printed February 7, 2007, 13 pages.	X		
	6	"Rhapsody - Full-length music, videos and more - FREE," http://www.rhapsody.com/welcome.html, copyright 1948-2007 Muze Inc., copyright 2001-2007 Listen.com, printed February 7, 2007, 1 page.	X		
	7	"National and Local Weather Forecast, Radar, Map and Report," http://www.weather.com/, copyright 1995-2007 The Weather Channel Interactive, Inc., printed February 7, 2007, 3 pages.	X		
	8	"Apple - iPod classic," http://www.apple.com/ipodclassic/, printed October 26, 2007, 1 page.	×		
	9	"Apple - iPod + iTunes," http://www.apple.com/itunes/, copyright 2007 Paramount Pictures, printed February 7, 2007, 2 pages.	X		

	Application Number		10840109	
	Filing Date 2		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor Martin		n Weel	
(Not for submission under 37 CFR 1.99)	Art Unit		2141	
	Examiner Name	Rupal	I Dharia	
	Attorney Docket Numb	er	1116-063	

	10		"Roxio The Boom Box Music and recording reviews - CNET Reviews," http://reviews.cnet.com/music-and-recording/ roxio-the-boom-box/4505-3669_7-3141440, printed November 15, 2007, 4 pages.					
	11		"Napster.co.uk - Napster To Go," http://www.napster.co.uk/ntg.html, copyright 2003-2007 Napster, LLC, printed November 15, 2007, 2 pages.					
	12       "Yahoo! Messenger - Chat, Instant message, SMS, PC Calls and More," http://messenger.yahoo.com/         webmessengerpromo.php, copyright 2007 Yahoo! Inc., printed October 26, 2007, 1 page.							
	13	"MSN - Music," http://music.msn.com/help/sync, copyright 2007 Microsoft, printed November 16, 2007, 1 page.						
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Examiner	Signa	ature	Date Considered					
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¹ See Kind Codes of USPTO Patent Documents at <u>www.USPTO.GOV</u> or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.								

	Application Number		10840109	
	Filing Date		2004-05-05	
INFORMATION DISCLOSURE	First Named Inventor	Martir	n Weel	
(Not for submission under 37 CFR 1.99)	Art Unit		2141	
	Examiner Name	Rupal	Dharia	
	Attorney Docket Number		1116-063	

CERTIFICATION STATEMENT								
Ple	ase see 37 CFR 1	.97 and 1.98 to make the appropriate selection	on(s):					
	That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).							
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	That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).							
	See attached cer	rtification statement.						
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×	None							
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	signature of the ap m of the signature.	plicant or representative is required in accord	ance with CFR 1.33, 10.1	8. Please see CFR 1.4(d) for the				
Sig	nature	/Steven N. Terranova/	Date (YYYY-MM-DD)	2007-11-28				
Nai	me/Print	Steven N. Terranova	Registration Number	43,185				
pub 1.1- app	This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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.							

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
  - 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acl	knowledgement Receipt
EFS ID:	2516862
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Steven Terranova/Julie Smith
Filer Authorized By:	Steven Terranova
Attorney Docket Number:	1116-063
Receipt Date:	28-NOV-2007
Filing Date:	05-MAY-2004
Time Stamp:	10:07:17
Application Type:	Utility under 35 USC 111(a)

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File Listing:									
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)				
1	Information Disclosure Statement	1116-063 IDS.PDF	952135	no	7				
1	(IDS) Filed	1110-003_103.1 DI	118d146b9850b396132c0ae76d13c7c 948faeea6	no	,				
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Warnings:						
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Warnings:		1	1			
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Information:						
Warnings:						
5	NPL Documents	CNN.pdf	a03747e455d91818f34a384d62af1066c 427267c	8134a384d62a11066c 7267c		
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2	NPL Documents	MyStrands_Patents.pdf	198893	no	5	

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Warnings:							
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12	NPL Documents	Napster to go.pdf	247718	no	2		
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Warnings:							
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13	NPL Documents	Yahoo Messenger.pdf	108742	no	1		
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Warnings:							
Information	:						
14	NPL Documents	MSN Music.pdf	453599	no	5		
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National Stage of an International Application under 35 U.S.C. 371 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.							
<u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.							

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P/			E DETI	RMINATION		Application or Docket Number 10/840,109			Filing Date 05/05/2004		To be Mailed	
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FOR NUMBER FILED NUMBER EXTRA					RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)			
$\boxtimes$	BASIC FEE (37 CFR 1.16(a), (b),	or (c))	N/A		N/A		N/A	385		N/A		
$\boxtimes$	SEARCH FEE (37 CFR 1.16(k), (i), (i)	or (m))	N/A		N/A		N/A	0		N/A		
$\boxtimes$	EXAMINATION FE (37 CFR 1.16(o), (p),	E	N/A		N/A		N/A	0		N/A		
	AL CLAIMS CFR 1.16(i))		34 mir	us 20 = * <b>14</b>		1	X \$9 =	126	OR	X\$ =		
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ME	Total (37 CFR 1.16(i))	* 20	Minus	** 34	= 0		X \$25 =	0	OR	X \$ =		
AMENDMENT	Independent (37 CFR 1.16(h))	* 3	Minus	***10	= 0		X \$100 =	0	OR	X \$ =		
AM	Application Si	ize Fee (37 CFR 1	.16(s))									
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						-	TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
		(Column 1)		(Column 2)	(Column 3)							
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AN				DENT CLAIM (37 CFF	R 1.16(j))				OR			
						-	TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel Serial No. 10/840,109 Filed: 05/05/2004 For: **PLAYLIST DOWNLOADI** 

Examiner: TBA Art Unit: TBA

### For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

### PRELIMINARY AMENDMENT

The following is a Preliminary Amendment for the above-referenced application. If any fees are required, the Commissioner is hereby authorized to charge them to Deposit Account 50-1732 and consider this a petition therefor.

### In the Claims:

1-34. (Cancelled).

35. (New) A method for playing media, the method comprising: displaying a plurality of playlist names; selecting one of the plurality of playlist names; sending at least one attribute of a playlist corresponding to the selected playlist name to a

playlist server;

receiving a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;

selecting at least one media item identifier from the received playlist;

sending information representative of the at least one media item identifier to a content server;

receiving a media item identified by the at least one media item identifier from the content server; and

playing the at least one media item.

36. (New) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, the selecting one of the plurality of playlist names comprises selecting one of the plurality of playlist names comprises selecting one of the plurality of playlist names on the first device, the sending at least one attribute comprises sending at least one attribute from the first device, the receiving a playlist from the playlist server comprises receiving on the first device a playlist from the playlist server, and playing the at least one media item comprises playing the at least one media item on the first device.

37. (New) The method as recited in claim 36, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (New) The method as recited in claim 36, wherein the first device comprises a remote control operative to control a second device.

39. (New) The method as recited in claim 36, wherein the first device comprises a remote control operative to control a second device and the second device comprises a media rendering device.

40. (New) The method as recited in claim 39, wherein the playing the at least one media item comprises playing the at least one media item on the second device.

41. (New) The method as recited in claim 40, further comprising adjusting at least one parameter on the second device from the first device selected from the group consisting of volume, tone, and balance.

42. (New) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, the selecting one of the plurality of playlist names comprises selecting one of the plurality of playlist names on the first device, the sending at least one attribute comprises sending at least one attribute from the first device, the receiving a playlist from the playlist server comprises receiving on the first device a playlist from the playlist server, and the playing the at least one media item comprises playing the at least one media item on a second device.

43. (New) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, selecting a second device from the first device, and the playing the at least one media item comprises playing the at least one media item on the second device.

44. (New) The method as recited in claim 35, wherein the sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server comprises sending at least one attribute selected from the group consisting of a type of music, a playlist name, an artist, an album, a song, an instrument, a record company, a region, a country, a state, a city, a school, a range of years, a genre, a search criteria, and an ethnicity.

45. (New) The method as recited in claim 35, wherein the selecting at least one media item identifier from the received playlist comprises selecting a plurality of media item identifiers from the received playlist in a first order, and the playing the at least one media item comprises playing a plurality of the at least one media item in the first order.

46. (New) The method as recited in claim 35, wherein the selecting at least one media item identifier from the received playlist comprises selecting a plurality of media item identifiers from the received playlist in a first order, and the playing the at least one media item comprises playing a plurality of the at least one media item in an order other than the first order.

47. (New) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.

48. (New) A method for playing music, the method comprising:

obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;

selecting a song identifier from the playlist;

obtaining a song identified by the song identifier on a second device over the Internet;

and

playing the song on the second device at the request of the first device.

49. (New) The method of claim 48, wherein the obtaining a song identified by the song identifier further comprises:

requesting the song identified by the song identifier from a content server; and downloading the song from the content server.

50. (New) The method of claim 48, wherein the network comprises the Internet.

52. (New) The method of claim 48, further comprising displaying the song identifiers on a display associated with the first device.

53. (New) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

54. (New) A device for playing a media item, the device comprising:

a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

displaying the list of playlist names on the display;

selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

selecting at least one media item name from the playlist;

sending information representative of the at least one media item name to a content server;

receiving a media item corresponding to the at least one media item name from the content server; and

playing the media item.

55. (New) A system for playing music, the system comprising:

a first device configured to display a plurality of names of playlists and a plurality of names of media items and to facilitate selection of at least one of the plurality of names of playlists and at least one of the plurality of names of media items;

a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding to the at least one attribute to the first device;

a content server configured to receive information representative of at least one media item from the first device and to send a media item corresponding to the information to the first device; and at least one second device configured to send an attribute of a playlist to the playlist server, to send information representative of a media item to the content server, to receive a playlist from the playlist server, and to receive a media item from the content server.

392/478

#### **REMARKS**

Applicant requests cancellation of claims 1-34 without prejudice. Applicant adds new claims 35-55. This amendment is not made for any reasons relating to patentability and does not constitute any disclaimer in any manner whatsoever.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

Steven N. Terranova Registration No. 43,185 100 Regency Forest Drive, Suite 160 Cary, NC 27518 Telephone: (919) 238-2300

Date: <u>September 11, 2007</u> Attorney Docket: 1116-063

393/478

Electronic Acl	knowledgement Receipt
EFS ID:	2180419
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	27820
Filer:	Steven Terranova/Julie Smith
Filer Authorized By:	Steven Terranova
Attorney Docket Number:	1116-063
Receipt Date:	11-SEP-2007
Filing Date:	05-MAY-2004
Time Stamp:	11:21:10
Application Type:	Utility under 35 USC 111(a)

## Payment information:

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## File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		1116-063_Preliminary_Amen dment.pdf	213302	- yes	7
			12cb37907a5i2d3380cc720dc36e6020 477312b6		

	Multipart Description/PDF files in .zip description			
	Document Description	Start	End	
	Preliminary Amendment	1	1	
	Claims	2	6	
	Applicant Arguments/Remarks Made in an Amendment	7	7	
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#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE



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#### MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612

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JUL 2 3 2007

**OFFICE OF PETITIONS** 

In re Application of WEEL, Martin Application No. 10/840,109 Filed: May 05, 2004 Attorney Docket No. MUS1.PAU.05

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.  $\S 1.36(b)$ , filed June 06, 2007.

:

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Myers Dawes Andras & Sherman, LLP has been revoked by the assignee of the patent application on June 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Williams

Terri Williams Petitions Examiner Office of Petitions

cc: WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518

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UNITED STAT	res Patent and Tradema	UNITED STA United State: Addres: COMMI P.O. Box	a, Virginia 22313-1450
APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/840,109	05/05/2004	Martin Weel	1116-063
27820			CONFIRMATION NO. 9461

WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518

Date Mailed: 06/20/2007

*OC00000024429497*

# NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2007.

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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199 OFFICE COPY

UNITED STATES PATENT AND TRADEM	IARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS PO. Box 1430 Alexandria, Virginia 22313-1450 www.upb.gov			
APPLICATION NUMBER FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE		
10/840,109 05/05/2004	Martin Weel	MUS1.PAU.05		
23386 MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612	*OC000000	CONFIRMATION NO. 9461		

# NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2007.

• The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199 OFFICE COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Weel Serial Number: 10/840,109 Filed: 05/05/2004 Examiner: Rupal Dharia Art Unit: 2141

For: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

#### POWER OF ATTORNEY

Sir:

The undersigned, assignee of the entire interest in and to an application of Martin Weel for U.S. Letters Patent for PLAYLIST DOWNLOADING FOR DIGITAL

ENTERTAINMENT NETWORK, filed May 5, 2004, Application Serial Number 10/840,109 by an assignment document recorded with the United States Patent and Trademark Office at Reel/Frame 019311/0817, hereby appoints the firm of Withrow & Terranova, P.L.L.C., Customer No. 27820, comprising Benjamin S. Withrow, Reg. No. 40,876, Steven N. Terranova, Reg. No. 43,185, John R. Witcher, Reg. No. 39,877, Richard C. Bevins, Reg. No. 51,468, John H. Vynalek, Reg. No. 37,254, Anthony J. Josephson, Reg. No. 45,742, and Christopher B. Lee, Reg. No. 58,793, as my attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Furthermore, in accordance with 37 CFR §3.73(b), the undersigned hereby states that the documentary evidence of a chain of title from the original owner to the assignee, i.e. assignment

document referenced above, has been reviewed and the undersigned certifies that, to the best of assignee's knowledge and belief, title is in assignee who seeks to prosecute this application.

PLEASE ADDRESS ALL COMMUNICATIONS AND TELEPHONE CALLS TO: WITHROW & TERRANOVA, P.L.L.C., 100 REGENCY FOREST DRIVE, SUITE 160, CARY, NORTH CAROLINA 27518, (919) 238-2300.

## CONCERT TECHNOLOGY CORPORATION

BY:

Hugh Svendsen Chief Executive Officer

2007 Date:

File No.: 1116-063

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CHANGE OF	Application Number	10/840,109
CORRESPONDENCE ADDRESS	Filing Date	05/05/2004
Application	First Named Inventor	Martin Weel
Address to:	Art Unit	2141
Commissioner for Patents P.O. Box 1450	Examiner Name	Rupal Dharia
Alexandria, VA 22313-1450	Attorney Docket Number	1116-063
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Assignee of record of the entire intere		
Statement under 37 CFR 3.73(b) is er	· · ·	
Registered practitioner named in the a		
executed oath or declaration. See 37	CFR 1.33(a)(1). Registration Nu	imber
Signature A. Vynalek		
Typed or Printed John H. Vynalek		
Date June 11, 2007	Telephone 919-238-2300	
NOTE: Signatures of all the inventors or assignees of record of the entire forms if more than one signature is required, see below*.	interest or their representative(s) are req	uired. Submit multiple

+Total of forms are submitted.

This collection of information is required by 37 CFR 1.33. 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 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.

Electronic Acknowledgement Receipt				
EFS ID:	1857297			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	23386			
Filer:	John H. Vynalek/Julie Smith			
Filer Authorized By:	John H. Vynalek			
Attorney Docket Number:	MUS1.PAU.05			
Receipt Date:	11-JUN-2007			
Filing Date:	05-MAY-2004			
Time Stamp:	09:52:19			
Application Type:	Utility			

# Payment information:

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# File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	1116-063_POA.pdf	60096	no	2
Warnings:					

Information	:				
2	Change of Address	1116-063_CCA.pdf	56977	no	1
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characterize similar to a <u>New Applica</u> If a new app 37 CFR 1.53 shown on th <u>National Sta</u> If a timely s of 35 U.S.C. application in due cours <u>New Interna</u> If a new inter components Internationa course, sub	wledgement Receipt evidences receipt by the applicant, and including Post Card, as described in MPEP a ations Under 35 U.S.C. 111 blication is being filed and the application (b)-(d) and MPEP 506), a Filing Re- his Acknowledgement Receipt will age of an International Application ubmission to enter the national sta 371 and other applicable requirent as a national stage submission un- se. ational Application Filed with the U ernational application is being filed is for an international filing date (se al Application Number and of the la ject to prescriptions concerning m establish the international filing date	page counts, where applica 503. lication includes the necess ceipt (37 CFR 1.54) will be i establish the filing date of <u>under 35 U.S.C. 371</u> age of an international appl nents a Form PCT/DO/EO/9 nder 35 U.S.C. 371 will be is <u>ISPTO as a Receiving Offic</u> and the international appl ee PCT Article 11 and MPEI nternational Filing Date (Fo	able. It serves as e sary components f issued in due cours the application. lication is compliar 03 indicating accep sued in addition to <u>e</u> lication includes th P 1810), a Notification rm PCT/RO/105) wi	evidence of or a filing d se and the otance of th the Filing e necessar ion of the ill be issued	receipt late (see date conditions ne Receipt, y d in due

#### PTO/SB/83 (01-06) Approved for use through 12/31/2008. OMB 0651-0035 U S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR			ation Num		10/840,109		
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		Art Uni			Martin Weel		
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			y Docket		Rupal Dharia MUS1.PAU.(		
<u> </u>			JUCKEL	Number	#1031.FA0.0		
To: Commissioner f P.O. Box 1450 Alexandria, VA 2							
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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 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 COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Electronic Acknowledgement Receipt				
EFS ID:	1845072			
Application Number:	10840109			
International Application Number:				
Confirmation Number:	9461			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Customer Number:	23386			
Filer:	Joseph Christopher Andras/Eric Hoover			
Filer Authorized By:	Joseph Christopher Andras			
Attorney Docket Number:	MUS1.PAU.05			
Receipt Date:	06-JUN-2007			
Filing Date:	05-MAY-2004			
Time Stamp:	15:33:04			
Application Type:	Utility			

# Payment information:

Submitted with Payment	no
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# File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	Withdrawal_of_Attorney.pdf	21037	no	1
Warnings:					

Information:	
Total Files Size (in bytes):	21037

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

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### National Stage of an International Application under 35 U.S.C. 371

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New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

JUL 2 5 200	(General - Pate			11	cket No. 51.PAU.05
In Re Antipation	Martin Weel				
Application No. 10/840,109	Filing Date 05/05/2004	Examiner Unknown	Customer No. 23386	Group Art Unit 2141	Confirmation No 9461
Title: PLAYLIST	DOWNLOADING FOR	R DIGITAL ENTERTA	INMENT NETWOR	ĸ	
	<u>C</u>	OMMISSIONER FOR	PATENTS:		
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Under 37 CFR 3.7	73(b); return postcard				
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	ADEMA	Application Number	10/840,109
	REVOCATION OF POWER OF	Filing Date	05/05/2004
	ATTORNEY WITH	First Named Inventor	Martin Weel
	NEW POWER OF ATTORNEY	Art Unit	2141
	AND	Examiner Name	Unknown
	CHANGE OF CORRESPONDENCE ADDRESS	Attorney Docket Numb	
	I hereby revoke all previous powers of attorney give	n in the above-identifie	d application.
	<ul> <li>A Power of Attorney is submitted herewith.</li> <li>OR</li> <li>I hereby appoint the practitioners associated with</li> </ul>	the Customer Number:	23386
	<ul> <li>Please change the correspondence address for the</li> <li>The address associated with Customer Number:</li> </ul>	e above-identified applica 23386	tion to:
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	City	State	Zip
	Country		
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	<ul> <li>Applicant/Inventor.</li> <li>Assignee of record of the entire interest. See 37 Statement under 37 CFR 3.73(b) is enclosed. (Figure 1)</li> </ul>	orm PTO/SB/96)	
		int or Assignee of Reco	rd
	Signature		
	Name Martin Weel, Manager of MusicStream, LLC		
	Date w/15/05	· · ·	330-6600
	NOTE: Signatures of all the inventors or assignees of record of the entire intere signature is required, see below*.	st or their representative(s) are requ	ired. Submit multiple forms if more than one
	Total of <u>1</u> forms are submitted. This collection of information is required by 37 CFR 1.36. The information is re	quired to obtain as sate a base of the	
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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 tile (and by the USP IO 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 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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<u>S</u>	TATEMENT UNDER 37 CFR 3.73(b)
Applicant/Patent Owner: <u>Martin Weel</u>	
Application No./Patent No.: 10/840,109	Filed/Issue Date: 05/05/2004
Entitled: PLAYLIST DOWNLOADING FOR DIG	ITAL ENTERTAINMENT NETWORK
MusicStream, LLC (Name of Assignee)	
	(Type of Assignee, e.g., corporation, partnership, university, government age
states that it is: 1. $\checkmark$ the assignee of the entire right, title, a	and interest; or
2. 🔲 an assignee of less than the entire right	ght, title and interest.
The extent (by percentage) of its owr	
in the patent application/patent identified ab	ove by virtue of either:
<ul> <li>A An assignment from the inventor(s) of in the United States Patent and Trade thereof is attached.</li> <li>OR</li> </ul>	of the patent application/patent identified above. The assignment was reco emark Office at Reel <u>016272</u> , Frame <u>0095</u> , or for which a c
	f the patent application/patent identified above, to the current assignee as
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Additional documents in the chain	of title are listed on a supplemental sheet.
Copies of assignments or other docume	nts in the chain of title are attached. py of the original assignment document(s)) must be submitted to Assignm
[NOTE: A separate copy (i.e., a true co	R Part 3, if the assignment is to be recorded in the records of the USPTO.
[NOTE: A separate copy ( <i>i.e.,</i> a true co Division in accordance with 37 CFI MPEP 302.08]	R Part 3, if the assignment is to be recorded in the records of the USPTO.
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FOF	RM		First Named Inventor	Martin	Weel		
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Total Number of Pages in Ti	nis Submission	4	Attorney Docket Number	021055	.0005US1		
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Name (Print/Type) Robert D. Fish		(Attorney		- 33,	,880	î		714-64		
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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. This collection of information is required by 37 CFR 1.17 and 1.27. 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 1.14. 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 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.

ractitioner's Docket No. 021055.0005US1

#### PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Weel

Application No.: 10/840,109

Filed: May 5, 2004

For: Playlist Downloading for Digital Entertainment Network

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### COMPLETION OF FILING REQUIREMENTS —NONPROVISIONAL APPLICATION

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 12, 2004.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

## **DECLARATION OR OATH**

**II**. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

#### SMALL ENTITY STATUS

III. An assertion that applicant is a small entity was made when the application was filed.

# CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

412/478

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.

Completion of Filing Requirements-Nonprovisional Application--page 1 of 2

SAMSUNG EX. 1003

#### **COMPLETION FEES**

 IV. Surcharge Fees Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e)) \$65.00

Total Completion Fees \$65.00

#### **EXTENSION OF TIME**

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) 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 and fee for extension of time.

#### TOTAL FEE DUE

**VI**. The total fee due is:

Completion fees	\$65.00
Extension fee (if any)	\$0.00
Total Fee Due	\$65.00

#### PAYMENT OF FEES

VII. Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 509282. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Reg. No.: 33,880 Tel. No.: 714-641-5100 Customer No.: 34284 Signature of Practitioner Robert D. Fish Rutan & Tucker, LLP P.O. Box 1950 611 Anton Blvd., 14th Floor Costa Mesa, CA 92628-1950

Completion of Filing Requirements---Nonprovisional Application--page 2 of 2

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Please acknowledge receipt of the following by affixing hereon the Official date stamp and returning this card to our office.

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Title: Inventor: Filing Date: Serial Number: Matter Type: Date of Deposit: Matter #: Enclosures: Playlist Downloading for Digital Entertainment Network Elario - Martin Weel 5 May 2004 10/840,109 Patent - US 25 August 2004 021055.0005US1 (A) Transmittal Form; (B) Fee Transmittal; (C) Completion of Filing Requirements (2 pages); and (D) Return Receipt Postcard.

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I hereby state that I have review amended by any amendment s I acknowledge the duty to dis continuation-in-part application and the national or PCT interna	pecifically referre close information s, material inform	d to above. n. which is mater nation which bec	ial to pate ame availa	entability as o able between	defined in 3	37 CFR 1	.56, including
I hereby claim foreign priority inventor's or plant breeder's rig country other than the United S application for patent, inventor's before that of the application on	benefits under 3 hts certificate(s), itates of America or plant breede	35 U.S.C. 119(a)- or 365(a) of any , listed below and r's rights certifica	-(d) or (f), / PCT inte d have als	or 365(b) of rnational app o identified b	lication whi elow, by ch	ch designa ecking the	ated at least of box, any fore
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by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 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.

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# **DECLARATION** — Utility or Design Patent Application

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Direct all correspondence to:	Custome	er Number:	3	4284		OR	X	Corresp	oondence address below
Name									
Robert D. Fish, Rutan & T	Sucker, LLP								
P.O. Box 1950									
611 Anton Blvd., 14th Flo	or								
City				State	-				ZIP
Costa Mesa						CA			92628-1950
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[Page 2 of 2]

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TRANSMITTAL	Filing Date	May 5, 2004
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	Examiner Name	
Total Number of Pages in This Submission	4 Attorney Docket Numbe	021055.0005US1
	ENCLOSURES (Check	all that apply)
X Fee Transmittal Form	Drawing(s)	After Allowance Communication to Technology Center (TC)
X Fee Attached	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC
Amendment/Reply	Petition Petition to Convert to a	(Appeal Notice, Brief, Reply Brief)
After Final	Provisional Application	Proprietary Information
Affidavits/declaration(s)	Power of Attorney, Revoca Change of Correspondenc	
Extension of Time Request	Terminal Disclaimer	X Other Enclosure(s) (please Identify below):
Express Abandonment Request	Request for Refund	Declaration
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I hereby certify that this correspondence is be	ing facsimile transmitted to the US	PTO or deposited with the United States Postal Service with for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
the date shown below.	sope autresseu to. Commissioner	101 - Genis, F.O. Dox 1400, Alexandrid, VA 22010-1400 01
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		or retain a benefit by the public which is to file (and by the USPTO to
gathering, preparing, and submitting the completed a	pplication form to the USPTO. Time wil	collection is estimated to take 2 hours to complete, including I 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 burder	n, should be sent to the Chief Information Officer, U.S. Patent and 50. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

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oper's Docket No. 021055.0005US1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Weel

Application No.: 10/840,109

Filed: May 5, 2004

For: Playlist Downloading for Digital Entertainment Network

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## COMPLETION OF FILING REQUIREMENTS —NONPROVISIONAL APPLICATION

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 12, 2004.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

#### **DECLARATION OR OATH**

**II**. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

#### SMALL ENTITY STATUS

III. An assertion that applicant is a small entity was made when the application was filed.

# CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.

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Completion of Filing Requirements—Nonprovisional Application--page 1 of 2

### **COMPLETION FEES**

IV. Surcharge Fees
 Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e))
 \$65.00

**Total Completion Fees** 

#### **EXTENSION OF TIME**

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) 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 and fee for extension of time.

### TOTAL FEE DUE

VI. The total fee due is:

Completion fees	\$65.00
Extension fee (if any)	\$0.00
Total Fee Due	\$65.00

#### **PAYMENT OF FEES**

**VII.** Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 509282. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

\$65.00

Reg. No.: 33,880 Tel. No.: 714-641-5100 Customer No.: 34284 Signature of Practitioner Robert D. Fish Rutan & Tucker, LLP P.O. Box 1950 611 Anton Blvd., 14th Floor Costa Mesa, CA 92628-1950

Completion of Filing Requirements-Nonprovisional Application--page 2 of 2

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Name (Print/Type) Robert D. Fish		Registra (Attorney		[.] 33,	880	Telephone	11 911 51	
Signature Court						Date	8/25/0	\$

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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.

be included on this form. Provide credit card information and authorization on P10-2038. This collection of information is required by 37 CFR 1.17 and 1.27. 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 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application for 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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10/840,109	05/05/2004		ATTORNEY DOCKET NUMBER	
		Martin Weel	021055.0005US1	
Norman Carte			CONFIRMATION NO. 9461	

Norman Carte Rutan & Tucker, LLP 611 Anton Blvd., 14th Floor P.O. Box 1950 Costa Mesa, CA 92628-1950

Date Mailed: 07/13/2004

FORMALITIES LETTER

*OC00000013198896*

# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

# FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

# Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

# SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

• \$65 Late oath or declaration Surcharge.

Replies should be mailed to:	Mail Stop Missing Parts		
	Commissioner for Patents		
	P.O. Box 1450		
	Alexandria VA 22313-1450		

A copy of this notice <u>MUST</u> be returned with the reply.

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Customer Service Center Initial Patent Examination Division (703) 308-1202

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PART 3 - OFFICE COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/840,109	05/05/2004	Martin Weel	021055.0005US1
Norman Carte, Rutan & Tuc	ker, LLP	FORMAL	CONFIRMATION NO. 9461

Norman Carte, Rutan & Tucker, LLF 14th Floor 611 Anton Blvd. P.O. Box 1950 Costa Mesa, CA 92628-1950

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#### Date Mailed: 07/12/2004

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# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

# FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

# Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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Replies should be mailed to:	Mail Stop Missing Parts		
	Commissioner for Patents		
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A copy of this notice <u>MUST</u> be returned with the reply.

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			Attorney D	ocket No.	021055.0005US1       Martin Weel       See 1 in Addendum			1		
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ŧ	APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.			ADDRE	ADDRESS TO: Mail Stop P Commissio P.O. Box 14 Alexandria			-221 ª		
	1. X       Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)         2. X       Applicant claims small entity status. See 37 CFR 1.27.         3. X       Specification [Total Pages41] (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings ( <i>if filed</i> ) - Detailed Description - Claim(s) - Abstract of the Disclosure         4. X       Drawing(s) (35 U.S.C. 113) [Total Sheets8 ]         5. Oath or Declaration [Total Sheets8 ]         6. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)         i       DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s)				7.       CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)         8.       Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)         a.       Computer Readable Form (CRF)         b.       Specification Sequence Listing on:         i.       CD-ROM or CD-R (2 copies); or         ii.       Paper         c.       Statements verifying identity of above copies         ACCOMPANYING APPLICATION PARTS         9.       Assignment Papers (cover sheet & document(s))         10.       37 CFR 3.73(b) Statement         Power of (when there is an assignee)       Attorney         11.       English Translation Document (if applicable)         12.       Information Disclosure         13.       Preliminary Amendment         14.       X Return Receipt Postcard (MPEP 503)         (Should be specifically itemized)         15.       Certified Copy of Priority Document(s)					
	name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. Application Data Sheet. See 37 CFR 1.76			16. L	(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.					
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specification following the title, or in an Application Data Sheet under 37 CFR 1.76: Continuation Divisional Continuation-in-part (CIP) of prior application No.: Prior application information: Examiner For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts. 19. CORRESPONDENCE ADDRESS										
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# Addendum

1. Playlist Downloading for Digital Entertainment Network

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20 Under the Paperwo	ork Reduction Act of 1995, no persons are re	quired to r	espond 1	U.S. P o a coli	atent and Tr	Approved for use through 07/31/2006. Of ademark Office: U.S. DEPARTMENT OF	SB/17 (10-03) MB 0651-0032 COMMERCE ontrol number.	
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X Applicant claims	X Applicant claims small entity status. See 37 CFR 1.27			nit				
TOTAL AMOUNT	TOTAL AMOUNT OF PAYMENT (\$) 812.00			Attorney Docket No. 021055.0005US1				
METHOD OF	METHOD OF PAYMENT (check all that apply)				FEE CA	ALCULATION (continued)		
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Name (Print/Type)	Norman Carte		Registra (Attorney	ntion No (Agent)	^{5.} 30,455	5 Telephone 714-641-51	00	
Signature	N-MA					Date May 5, 20	04	

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# PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

#### **RELATED APPLICATIONS**

**[0001]** This patent application is being co-filed on the same date as the patent applications entitled "Hybrid Set-Top Box for Digital Entertainment Network" (Rutan & Tucker, LLP docket no. 021055.0007US1), "Device Discovery for Digital Entertainment Network" (Rutan & Tucker, LLP docket no. 021055.0006US1), and "System and Method for Sharing Playlists" (Rutan & Tucker, LLP docket no. 021055.0004US1).

## FIELD OF THE INVENTION

**[0002]** The present invention relates generally to a method and system for playing music. The present invention relates more particularly to a digital entertainment network wherein playlists are obtained by communicating attributes of the playlists to a playlist server and wherein songs are obtained by communicating information representative of the songs to a content server.

#### **BACKGROUND OF THE INVENTION**

**[0003]** Traditionally, music has been provided to listeners by either a broadcast method or a purchase method. According to the broadcast method, music is broadcast to listeners by such means as radio and cable systems. The owners of the music are typically compensated by the broadcaster via either the American Society of Composers, Authors and Publishers (ASCAP) or Broadcast Music Incorporated (BMI). These two agencies monitor the playing of music by broadcasters, collect royalties from the broadcasters, and distribute the royalties to the copyright owners of the music.

[0004] However, according to the broadcast method the listener has little or no control over which selections are played. Generally, a listener must tune in to a radio

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station or select a cable channel that plays the type of music that the listener enjoys with the expectation that songs that the listener enjoys will occasionally be played. Too frequently, these songs are not played as often as the listener would prefer.

**[0005]** According to the purchase method, a listener purchases prerecorded music stored on media such as compact discs (CDs). The listener may then play the songs as many times as desired. Copyright owners are paid royalties out of the purchase price of the music.

**[0006]** However, the purchase method requires that a substantial price be paid for the music, at least in part because of the virtually unlimited use associated therewith. Listeners appear to be becoming less willing to pay the purchase price for such prerecorded music, particularly as alternative methods for obtaining music become more popular.

**[0007]** The purchase method suffers from the additional disadvantage of requiring that media containing the desired songs be utilized. Such media is somewhat bulky, particularly when a large number of selections are desired. In some instances, it may not be practical to carry all of the songs desired because of the volume and/or weight of the media required. Such media is also undesirably subject to degradation due to use and mishandling. For example, scratches on a CD may inhibit its use.

**[0008]** A newer method of providing music to listeners is becoming increasingly popular. It is this method of providing music that is apparently making listeners less willing to pay the purchase price for music that is prerecorded on media. According to this newer method of providing music, the music is downloaded from the Internet or otherwise obtained (such as by trading with friends), as a data file. One popular example of such a data file is an MP3 file. MP3 is short for Moving Picture Experts Group 1, audio layer 3.

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**[0009]** Although music embodied in data files can be obtained legitimately, such as via such services like iTunes (a trademark of Apple Computer, Inc.), the opportunity to download or trade music data files for free has heretofore hampered this legitimate method of obtaining music.

**[0010]** As such, although the prior art has recognized, to a limited extent, the problem of distributing music, the proposed solutions have, to date, been ineffective in providing a satisfactory remedy. Therefore, it is desirable to provide a method for distributing music that is convenient, does not involve the use of media, and which provides for the payment of royalties.

# BRIEF SUMMARY OF THE INVENTION

**[0011]** While the apparatus and method has or will be described for the sake of grammatical fluidity with functional explanations, it is to be expressly understood that the claims, unless expressly formulated under 35 USC 112, are not to be construed as necessarily limited in any way by the construction of "means" or "steps" limitations, but are to be accorded the full scope of the meaning and equivalents of the definition provided by the claims under the judicial doctrine of equivalents, and in the case where the claims are expressly formulated under 35 USC 112 are to be accorded full statutory equivalents under 35 USC 112.

**[0012]** The present invention specifically addresses and alleviates the above mentioned deficiencies associated with the prior art. More particularly, according to one aspect the present invention comprises a method for playing music, wherein the method comprises displaying a list of playlists names, selecting one of the displayed playlist names, sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server, receiving a playlist from the playlist server wherein the received playlist corresponds to the attribute(s), selecting at least one song from the received playlist, -3-

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sending information representative of the selected song(s) to a content server, receiving the selected song(s) from the content server and playing the selected song(s).

**[0013]** According to one method of operation, the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, a song is selected from the first device, and the song is played on the first device.

**[0014]** According to another method of operation, the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, a song is selected from the first device, and the song is played on a second device.

**[0015]** The method of the present invention optionally comprises selecting the second device. In this instance, the playlist names are displayed on a first device, the playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on the selected second device. Preferably, the second device is selected from the first device.

**[0016]** Preferably, the first device comprises a handheld portable device. For example, the first device may comprises a palmtop computer, an MP3 player, or a remote control for a second device.

**[0017]** Thus, the first device may comprise a remote control for a second device wherein the second device comprises a music rendering device. In this instance, songs are typically played upon the second device, although songs may also be played upon the first device.

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**[0018]** Preferably, selecting one of the displayed playlist names and selecting a song from the playlist are performed using a touchscreen. If a second device is selected from the first device, the second device is also preferably selected using the touchscreen.

**[0019]** Preferably, communicating attributes of a playlist to a playlist server comprises communicating a name of a playlist to a playlist server. Communicating attributes of a playlist to a playlist server may comprise communicating to the playlist server at least one attribute such as a type of music listened to, at least one artist, at least one selection, at least one instrument, at least one record company, a region, a country, a state, a city, a school, and/or an ethnicity. The playlist server may then either locate or make a playlist that conforms to the attribute(s) of the requested playlist.

**[0020]** Sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server preferably comprises communicating the attribute(s) and the playlist via a network, preferably a wide area network such as the Internet.

**[0021]** Selecting at least one song from the playlist optionally comprises selecting a plurality of songs from the playlist and playing the selected song(s) then comprises playing the plurality of songs. The songs may be played in the order selected, in random order, or in any other desired order.

**[0022]** According to one aspect of the present invention, playlist recommendations based upon listening habits of a listener are automatically provided to the listener. Alternatively, the playlist recommendations may be based upon listening habits of another person. The playlist recommendations may comprise a list of currently popular songs within a single genre that is of interest to the listener.

**[0023]** Preferably, at least one parameter for a song that is being played on a second device can be adjusted from the first device. The parameters may include volume, tone, and/or balance.

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**[0024]** According to one aspect, the present invention comprises a method for playing music, wherein the method comprises obtaining a playlist for a first device via the Internet, selecting a song from the playlist, and using the first device to cause a second device to play the selected song. The second device preferably obtains the song via the Internet.

**[0025]** According to one aspect, the present invention comprises a method for playing music, wherein the method comprises displaying a list of playlist names on a first device, selecting one of the displayed playlist names from the first device, sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a playlist server, receiving a playlist at the first device from the playlist server wherein the received playlist corresponds to the attribute(s), selecting at least one song from the playlist on the first device, sending information representative of the selected song from the first device from the selected song from the first device from the selected song from the first device to a content server, receiving the selected song at the first device from the content server, and playing the selected song(s) on the first device.

**[0026]** According to one aspect, the present invention comprises a method for playing music, wherein the method comprises displaying a list of playlist names on a first device, selecting one of the displayed playlist names from the first device, sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a playlist server, receiving at the first device a playlist from the playlist server wherein the received playlist corresponds to the attribute(s), selecting a second device, selecting at least one song from the playlist on the first device, sending information representative of the selected song from the first device to the second device, sending information representative of the selected song from the selected song from the selected song from the second device from the content server, and playing the selected song(s) on the second device.

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**[0027]** According to one aspect, the present invention comprises a device for playing music, wherein the device comprises a display for displaying a list of playlist names and song names. The display is also for facilitating selection of playlists and songs. The device further comprises a network transceiver.

**[0028]** As used herein, the term network transceiver includes any circuit or device that facilitates communication via a network. Examples of network transceivers include Ethernet network interface cards (NICs) and circuits, as well as Bluetooth and WiFi cards and circuits.

**[0029]** The device is configured to facilitate displaying a list of playlist names on the display, selecting one of the displayed playlist names, sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver, and receiving a playlist from the playlist server via the network transceiver. The received playlist corresponds to the attribute(s) sent to the playlist server. The device is further configured to facilitate selecting at least one song from the playlist, sending information representative of the selected song to a content server, receiving the selected song from the content server, and playing the selected song(s).

**[0030]** According to one aspect, the present invention comprises a device for playing music, wherein the device comprises a network transceiver. The device is configured to facilitate receiving information representative of a song from another device, sending of the information representative of the song to a content server via the network transceiver, receiving of the song from the content server, and playing of the song.

**[0031]** According to one aspect, the present invention comprises a playlist server comprising a memory within which a plurality of playlists are stored and a network transceiver. The playlist server is configured to facilitate receiving at least one attribute of a playlist via the network transceiver, identifying a playlist based upon the attribute(s), and sending of the playlist to a device via the transceiver.

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**[0032]** Preferably, the playlist server is further configured to facilitate serving of content. Thus, the playlist server and the content server are effectively the same server. However, as those skilled in the art will appreciate, the playlist server and the content server may be two entirely different servers and may be located in diverse locations with respect to one another.

**[0033]** According to one aspect, the present invention comprises a method for providing music, wherein the method comprises receiving at least one attribute of a selected playlist at a playlist server and transmitting a playlist that corresponds to the attributes from the playlist server to a first device.

**[0034]** According to one aspect, the present invention comprises a system for playing music, wherein the system comprises a first device configured to display names of playlists and names of songs and to facilitate selection of the playlists and songs, a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding to the received attribute(s) to the first device, and a content server configured to receive information representative of at least one song from the first device and to send corresponding songs to the first device. The present invention further comprises at least one second device configured to send attributes of a playlist to the playlist server, to send information representative of songs to the content server, to receive a playlist from the playlist server, and to receive songs from the content server.

**[0035]** According to one aspect, the present invention comprises a method for playing music, wherein the method comprises providing a first device that repeatedly wirelessly broadcasts a unique identification thereof and a password, and moving the first device into an area such that it can communicate wirelessly with at least one second device that repeatedly wirelessly broadcasts a unique identification thereof and a password. The first device displays names of the second device(s) for which the password is an authorized password for the first device, such that the first device can be used to select songs to be

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played on the second device(s). Each of the second devices displays the name of the first device when the password of the first device is an authorized password for the that second device, such that the second device can be used to select songs to be played on the first device.

**[0036]** According to one aspect, the present invention comprises a system for playing music, wherein the system comprises a playlist server in communication with the Internet wherein the playlist server has a plurality of playlists stored thereon, a content server in communication with the Internet wherein the content server has a plurality of songs stored thereon, a rendering device for playing songs, a set-top box in communication with the rendering device for facilitating communication of the songs from the content server to the rendering device via the Internet, and a remote control for controlling the settop box.

**[0037]** The remote control is configured to obtain a playlist from the playlist server, facilitate selection of a song from the playlist, and control the set-top box so as to cause the set-top box to download the song and cause the song to play on the rendering device.

**[0038]** The remote control is preferably dockable to the set-top box. The remote control may be either in wired or wireless communication with the set-top box when docked thereto. The remote control is preferably in wireless communication with the set-top box when the remote control is not docked thereto. The remote control can preferably be used to control the set-top box whether the remote control is docked thereto or not.

**[0039]** The remote control preferably comprises a display and a keypad for facilitating control of the set-top box and consequently for facilitating control of the rendering device. The set-top box optionally comprises a display and a keypad for facilitating control thereof and consequently for facilitating control of the rendering device.

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**[0040]** According to one aspect, the present invention comprises a method for providing content, wherein the method comprises selecting content from a remote control and providing the selected content to a media player via a network.

**[0041]** These, as well as other advantages of the present invention, will be more apparent from the following description and drawings. It is understood that changes in the specific structure shown and described may be made within the scope of the claims, without departing from the spirit of the invention.

## BRIEF DESCRIPTION OF THE DRAWINGS

**[0042]** The invention and its various embodiments can now be better understood by turning to the following detailed description of the preferred embodiments which are presented as illustrated examples of the invention defined in the claims. It is expressly understood that the invention as defined by the claims may be broader than the illustrated embodiments described below.

**[0043]** Figure 1 is a block diagram showing an exemplary embodiment of the digital entertainment system of the present invention;

[0044] Figure 2 is a block diagram showing further detail of an exemplary first device or remote control of Figure 1;

[0045] Figure 3 is a flow chart showing one way of operating a digital entertainment system of the present invention;

**[0046]** Figure 4 is a flow chart showing another way of operating a digital entertainment system of the present invention;

**[0047]** Figure 5 is a flow chart showing operation of a discovery process wherein devices of the present invention recognize one another;

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**[0048]** Figure 6 is a block diagram showing an exemplary embodiment of the digital entertainment network of the present invention, wherein a set-top box has a removable remote control disposed within a cradle thereof;

**[0049]** Figure 7 is a block diagram showing the digital entertainment network of Figure 6, wherein the set-top box has the removable remote control disposed out of the cradle thereof; and

**[0050]** Figure 8 is a block diagram showing the discovery process for both a local device and a remote device.

# DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

**[0051]** Many alterations and modifications may be made by those having ordinary skill in the art without departing from the spirit and scope of the invention. Therefore, it must be understood that the illustrated embodiment has been set forth only for the purposes of example and that it should not be taken as limiting the invention as defined by the following claims. For example, notwithstanding the fact that the elements of a claim are set forth below in a certain combination, it must be expressly understood that the invention includes other combinations of fewer, more or different elements, which are disclosed herein even when not initially claimed in such combinations.

**[0052]** The words used in this specification to describe the invention and its various embodiments are to be understood not only in the sense of their commonly defined meanings, but to include by special definition in this specification structure, material or acts beyond the scope of the commonly defined meanings. Thus if an element can be understood in the context of this specification as including more than one meaning, then its use in a claim must be understood as being generic to all possible meanings supported by the specification and by the word itself.

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**[0053]** The definitions of the words or elements of the following claims therefore include not only the combination of elements which are literally set forth, but all equivalent structure, material or acts for performing substantially the same function in substantially the same way to obtain substantially the same result. In this sense it is therefore contemplated that an equivalent substitution of two or more elements may be made for any one of the elements in the claims below or that a single element may be substituted for two or more elements in a claim. Although elements may be described above as acting in certain combinations and even initially claimed as such, it is to be expressly understood that one or more elements from a claimed combination can in some cases be excised from the combination and that the claimed combination may be directed to a subcombination or variation of a subcombination.

**[0054]** Insubstantial changes from the claimed subject matter as viewed by a person with ordinary skill in the art, now known or later devised, are expressly contemplated as being equivalently within the scope of the claims. Therefore, obvious substitutions now or later known to one with ordinary skill in the art are defined to be within the scope of the defined elements.

**[0055]** The claims are thus to be understood to include what is specifically illustrated and described above, what is conceptionally equivalent, what can be obviously substituted and also what essentially incorporates the essential idea of the invention.

**[0056]** Thus, the detailed description set forth below in connection with the appended drawings is intended as a description of the presently preferred embodiments of the invention and is not intended to represent the only forms in which the present invention may be constructed or utilized. The description sets forth the functions and the sequence of steps for constructing and operating the invention in connection with the illustrated embodiments. It is to be understood, however, that the same or equivalent functions may

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be accomplished by different embodiments that are also intended to be encompassed within the spirit of the invention.

**[0057]** The digital entertainment network of the present invention is preferably a fully integrated plug and play technology platform that delivers secure anytime, anywhere, on-demand multimedia content for digital home systems.

**[0058]** The digital entertainment network provides efficient and ubiquitous wireless and web-enabled control over digital home systems by enabling users to access and manage music content using a variety of control devices and by delivering such content to a wide variety of different rendering devices.

**[0059]** On-demand delivery of content, such as streaming music, is provided utilizing such user-friendly features such as customized playlists, collaboration, music management tools, and search capability.

**[0060]** The present invention preferably provides a plug and play control point that has the software intelligence that forms the basis for a truly integrated entertainment network system. This control point architecture delivers the ability to unify content, such as music or other types of multimedia content, with control applications that enable system users to access content from a variety of different remote control devices and deliver such content to a variety of rendering devices.

**[0061]** For example, the control point enables a digital entertainment network user to utilize a PDA or other device to browse for music on the Internet, then select and play a song on an MP3 player or the like, or even on stand-alone audio speakers. In another embodiment, the control point allows a user to choose a song via a set-top device, then play that music on a television, stereo system, or the like.

[0062] Preferably, the present invention comprises a web services based component that provides users with on-demand music streamed to a variety of devices, such as MP3

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players, set-top boxes and home stereo systems. Thus, according to one aspect, the present invention is a web-based content and music management system that offers users a number of desirable features via a web browser.

**[0063]** These features preferably include web-based music catalog browsing via jukebox interface, search capability (to find artists and specific selections), the use of standard playlists, the use of custom playlists (created by each user), the ability to select different devices on which to play songs, the ability to view a user's activity over a given time period or in real-time with the activity streamer, collaboration, the ability to find buddies with the same music preferences you have in your playlists, the ability to share playlists with buddies, the ability to view buddies' activity based on various time periods, instant messaging for chatting among users, and the use of a set top box to facilitate the use of playlists and the streaming of content.

**[0064]** According to one aspect, the digital entertainment network of the present invention comprises a set-top box that provides users with on-demand music streamed to a variety of devices. The set-top box is a web-based content and music management system that offers users a list of features including the need for little or no setup (plug into Ethernet and video out, audio out), content catalog browsing, search capability (to find artists and specific selections), the use of standard playlists, the use of custom playlists (created by each user), the ability to select different devices on which to play songs, the ability to view your activity over a given time period or in real-time with the activity streamer, collaboration, the ability to find buddies with the same music preferences you have in your playlists, the ability to share playlists with buddies, the ability to view buddies' activity based on various time periods, and instant messaging for chatting among users.

[0065] The digital entertainment network of the present invention comprises control devices that allow users to communicate with the control point and give commands to

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render music/multimedia content on various different rendering devices. Examples of control devices include the personal digital assistant (PDAs) and set-top boxes.

**[0066]** According to one aspect of the present invention, a PDA based control application allows users to roam the house and play music content that is accessed via the PDA and is available via an Internet based service. According to one aspect, the content is played via set-top boxes, i.e., rendering devices, which may be located throughout the home.

**[0067]** The digital entertainment network also includes rendering devices that receive instructions from the control point and thereby render music/multimedia content. Rendering device examples include the set-top devices, home stereo systems and televisions. A variety of different types of rendering devices are possible. Audio content, such as music, may be rendered on audio rendering devices such as speakers, a stereo, and a television. Similarly, audio/video content, such as movies and television shows, may be rendered on televisions, stand alone monitors, and computer monitors. Indeed, either audio or audio/video content may be rendered on a variety of other types of devices, such as cellular telephones, PDAs, and laptop computers.

**[0068]** According to one aspect of the present invention, a set-top device is a key rendering device that plays music content on other rendering devices, such as televisions and stereo systems, throughout the home.

**[0069]** The digital entertainment network of the present invention optionally comprises a billing application for handling the financial transaction activities associated with streaming content payment and usage. The billing application preferably performs functions such as transaction and usage logging for billing processing, automated billing of customers, automated notification of the inability to charge a credit card on file (exception handling), and automated calculation and wire transfer of funds to content providers.

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**[0070]** The present invention is illustrated in Figures 1 - 8, which depict presently preferred embodiments thereof.

**[0071]** Referring now to Figure 1, a preferred embodiment of the present invention comprises a playlist server/content server 10 that is in communication with a network, preferably a wide area network such as the Internet 11. Also in communication with the network are a first device 13 and a second device 14, which are both typically located within a common structure, such as a home or office 12. The first device 13 generally assumes the function of the control point, although the second device 14 may have this functionality, as well.

**[0072]** The playlist server/content server 10 may be a single server. Alternatively, the playlist server and the content server may be two separate servers. Indeed, the playlist server may comprise a plurality of separate servers and/or the content server may similarly comprise a plurality of different servers.

**[0073]** The playlist server/content server is in bi-directional communication with the Internet 11, as indicated by arrow 19. The first device 13 is in bi-directional communication with the Internet 11, as indicated by arrow 16. The second device 14 is in bi-directional communication with the Internet 11, as indicated by arrow 17.

**[0074]** The first device is in communication with the second device, as indicated by arrow 18. The first device may be in either unidirectional or bi-directional communication with the second device 14.

**[0075]** The first device 13 may comprise any of a plurality of different types of devices. For example, the first device 13 may comprise a handheld portable device such as a personal digital assistant (PDA), a palmtop computer, an MP3 player, a telephone, or a remote control for a music rendering device. The first device may alternatively comprise a non-portable device, such as a desktop computer, a television, or a stereo.

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**[0076]** The second device 14 may comprise the same type of device as the first device 14 or may alternatively comprise a different type of device with respect thereto. Thus, the first and second devices may comprise portable devices, non-portable devices, or any combination thereof.

**[0077]** The second device may also comprise one or more smart speakers. As defined herein, standalone smart speakers are speakers that are not connected to a device such as a stereo, television, or computer. Smart speakers are typically in communication with a network and can thus receive content therefrom. Typically, smart speakers comprise dedicated signal conditioning circuitry such as audio amplifiers.

**[0078]** According to one embodiment of the present invention, the first device 13 comprises a remote control for the second device 14. Thus, the second device may comprise a music rendering device such as a stereo, a television, or a home computer and the first device may comprise a handheld remote control therefor.

**[0079]** Any desired number of first and second devices may be provided according to the present invention. For example, the first device may comprise a remote control that controls a plurality of second devices, such as a television, a DVD player, and a stereo system.

**[0080]** Referring now to Figure 2, the first device 13 may comprise a handheld portable device that comprises a display 22, a keypad 23, and a network transceiver 24. The display 22 facilitates viewing and selection of playlist names, as well as viewing and selection of songs within a playlist, as discussed in detail below. The keypad 23 facilitates selection of playlist names and selection of songs, as also discussed in detail below.

**[0081]** The display 22 may optionally comprise a touchscreen display and the keypad may optionally be omitted. In this instance, all selection may be performed via the touchscreen display.

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**[0082]** The network transceiver 24 preferably comprises a wireless network transceiver, such network transceiver conforming to the Bluetooth (a trademark of Bluetooth SIG, Inc.) standard and/or conforming to the WiFi (a trademark of the WiFi Alliance) standard.

**[0083]** The device shown in Figure 2 may also be the second device 14 according to one aspect of the present invention. However, for explanatory purposes it may sometimes be beneficial to think of the first device as a small handheld portable device such as a PDA or dedicated remote control that can function to control the second device and it may similarly sometimes be beneficial to think of the second device as a larger music rendering device such as a stereo, television, or personal computer. Of course, such embodiments of the present invention are by way of example only, and not by way of limitation.

**[0084]** Having described the general structures of the present invention, the general operation thereof will next be described with reference to Figures 3 and 4. In operation, the digital entertainment network of the present invention provides convenient access to a very large database of music without requiring that the music be stored and kept by the listener on media such as CDs This convenient access is provided by maintaining the database of music at a remote location, i.e., in an Internet based content server 10.

**[0085]** That is, the present invention generally does not attempt to store songs within the music rendering devices themselves, but rather generally downloads songs via a network, as needed. Such operation simplifies the construction and operation of the music rendering devices by eliminating the need for large storage capacities. The elimination of the need for large storage capacities results in a cost savings for manufacturing and purchasing the music rendering devices.

[0086] Downloading the music on an as-needed basis provides access to a very large database of songs that contains many more selections than can be stored on contemporary music rendering devices. Downloading the music on an as-needed basis

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also facilitates the payment of royalties to the music owners in a manner that is fair to both listeners and music owners.

**[0087]** One exception to downloading of music on an as-needed basis according to the present invention is optionally the use of caching. Songs that are played repeatedly may be cached, so as to mitigate the need for a network connection and thus mitigate the need for the bandwidth associated therewith. The playing of cached songs can be reported via the network and royalties paid as though the song had been downloaded strictly on an as-needed basis.

**[0088]** Preferably, the present invention comprises a first device that may operate in two different ways. According to a first way of operation, as shown in Figure 3 and discussed in detail below, a listener selects a song to be played from a playlist on the first device and the song is then played on the first device. According to a second way of operation, as shown in Figure 4 and discussed in detail below, a listener selects a song to be played from a playlist on the first device and the song is then played on the first device. According to a second way of operation, as shown in Figure 4 and discussed in detail below, a listener selects a song to be played from a playlist on the first device and the song is then played on another device, e.g., a second device.

**[0089]** Referring now to Figure 3, the first way of operation of the first device is illustrated. A list of playlists is displayed on the first device as shown in block 31. The list of playlist is a list of playlist names, numbers, or other indicia indicative of individual playlists. For example, the list of playlists may include graphic symbols or icons in addition to or in place of other indicia. As used herein, the term playlist name includes any indicia that are uniquely representative of a playlist.

**[0090]** Each item on the list of playlists is representative of a particular playlist. Each playlist may come from any one of a variety of sources. For example, a playlist may be compiled by a user, a playlist may be obtained from someone else, or a playlist may be formed by a computer using an algorithm that attempts to identify songs that will suit the tastes of the listener.

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**[0091]** The playlists are stored on a playlist server and are downloaded to the first device and the second device as requested by the listener. As mentioned above, the playlist server may be the same server as the content server.

[0092] Optionally, playlists as well as songs may be cached on the first device and/or the second device.

**[0093]** The list of playlists may be displayed upon the display 22 of the first device or may be displayed in any other desired manner. For example, the list of playlists may be displayed on the monitor of another device.

**[0094]** One of the displayed playlists is selected by the listener as shown in block 32. The selected playlist is a playlist that is expected to contain one or more songs that the listener would like to listen to. For example, the displayed list of playlists may contain a playlist named rock favorites, a playlist named country favorites, and a playlist named classical favorites. If the listener wants to listen to classical music that is on the playlist named classical favorites, the playlist named classical favorites is selected.

**[0095]** The desired playlist may be selected by using a touchscreen display of the first device 13, may be selected using the keypad 23, or may be selected by any other desired means.

[0096] At least one attribute of the selected playlist is sent from the first device to a playlist server as shown in block 33. The attribute(s) may comprise, for example, the name of a playlist, the number of a playlist, and/or any other unique identifier of a playlist.

**[0097]** Alternatively, the attribute(s) may comprise one or more parameters that are indicative of the type of music that the listener would like to hear. For example, the attribute(s) may comprise a code that indicates that a list of the top ten country hits for the week that is to be returned. The user may preferably compile sets of such parameters so as to facilitate the retrieval of custom, up to date playlists from the playlist server. Such

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parameters may be compiled directly on the first device or on any other device, such as a personal computer.

**[0098]** A playlist that corresponds to the attribute(s) is sent from the playlist server and is received by the first device as shown in block 34. This playlist is a list of songs containing at least one song that the listener would like to hear.

[0099] The listener selects at least one song from the received playlist, as shown in block 35. Either a single song may be selected, or a plurality of songs may be selected. The song(s) may be selected by using a touchscreen display of the first device 13, may be selected using the keypad, or may be selected by any other desired means.

[00100] Information representative of the selected song(s) is sent to a content server10. The information may comprise the name(s) of the songs, the number(s) of the songs, or any other unique identifier thereof.

**[00101]** The selected song(s) are communicated from the content server 10 to the first device 13 via the Internet 11 as shown in block 37. The format of the selected songs may be MP3, WAV, or any other desired format.

**[00102]** The selected songs are played by the first device 13 as shown in block 38. The selected songs may be played in the order selected, in random order, or in any other desired order. The order can preferably be changed at any time.

**[00103]** The songs may be played via one or more speakers that are part of the first device 13, by one or more speakers that are in communication with the first device 13 (such as via a wired or wireless connection), by headphones, by earphones, or by any other desired means.

**[00104]** The volume, tone, and balance of the songs is preferably adjustable via the first device 13, such as via the display 22 and/or keypad 23 thereof.

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**[00105]** Referring now to Figure 4, the second way of operation of the first device is illustrated. According to this second way of operation, a list of playlists is displayed as shown in block 41, one of the playlists is selected as shown in block 42, at least one attribute is sent to the playlist server as shown in block 43, and a playlist is received as shown in block 44, all in the same fashion as in the first way of operation discussed above.

**[00106]** According to the second way of operation, the song is played on a device other than the first device 13. Thus, a second device 14 typically must be selected as shown in block 45. A particular second device may be selected from a list of second devices that is displayed on the first device 13. For example, a listener's desktop computer may be selected from a list having the desktop computer, a television, and a stereo listed thereon.

**[00107]** Preferably the list of second devices is dynamic and is automatically updated, such as via the use of a device discovery process that is described in detail below. Alternatively, the list of second devices may be pre-configured by the listener and then manually updated, as desired.

**[00108]** At least one song is selected from the playlist as shown in block 46 and as discussed above.

**[00109]** Information representative of the selected song(s) is sent from the first device 13 to the second device 14. This information tells the second device 14 what song(s) are to be played. However, the second device does not typically have the selected songs stored therein. In some instances the selected songs may be cached within a memory of the second device 14, as discussed above.

**[00110]** The second device 14 sends information representative of the selected song(s) to a content server. Optionally, the second device also sends at least one attribute

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of the playlist from which the song(s) were selected on the first device 13 to the playlist server, as well.

**[00111]** The selected song(s) are received from the content server by the second device as shown in block 44 and are ready for playing. Optionally, the same playlist that is presently available for display on the first device is received from the playlist server, such that it is also available for display on the second device.

**[00112]** Generally, songs may be selected and played from the second device 14, as well as from the first device 13, such that it is beneficial to display the playlist on the second device 14. Even if songs cannot be selected and displayed from the second device 14, it may still be beneficial to view the playlist thereon.

**[00113]** The selected song is played on the second device 14 as shown in block 50 and discussed above. Parameters of the song such as volume, tone, and balance are optionally controllable from the first device 13.

**[00114]** Optionally, playlist and/or songs are cached in the first device 13 and/or the second device 14. Caching is particularly beneficial when the same songs and/or playlist are used repeatedly.

**[00115]** Although playlists and/or songs may be cached so as to mitigate the need for repeated downloading thereof from the playlist/content server 10, the memory requirements of the first device 13 and second device 14 are substantially reduced. This is true because the first device 13 and the second device 14 of the present invention do not store a substantial quantity of playlists or songs thereon.

**[00116]** That is, the first device 13 and the second device 14 of the present invention do not have to store all of the songs that a listener wishes to hear thereon. Rather, any such storage is generally incidental. Typically, a large number of the songs played by the first device 13 and the second device 14 are stored on the content server 10 and are

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communicated via the Internet 11 to the first device 13 and/or the second device 14 as needed.

[00117] Of course, such remote storage reduces the need for memory for the first device 13 and the second device 14, thereby desirably reducing the cost and size thereof and also enhancing the reliability thereof.

**[00118]** Referring now to Figure 5, according to one aspect of the present invention all of the devices within an area, such as the area within which the devices can receive each other's wireless broadcast signals, are aware of one another and communicate with one another. When a new device enters the area, the existing devices become aware of the new device and the new device becomes aware of the existing devices via a discovery process.

**[00119]** According to this discovery process, all devices may periodically broadcast an identification code and a password. The identification code uniquely identifies the device. The password authorizes the device to communicate with other devices within the area.

**[00120]** When a new device enters the area, the new device and the existing devices communicate with one another. This may be done either directly or via a server, as discussed in detail below. The new device recognizes any of the other devices that have an acceptable password and displays a list of the other devices on its list of available devices, so that the other devices may be selected as second devices for playing of songs, as discussed above.

**[00121]** Similarly, the devices already in the area recognize the new device if the new device has an acceptable password, and the devices already in the area display the new device in their list of available devices so that the new device may be selected as a second device for the playing of songs, if desired.

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**[00122]** Alternatively, when a user enters a place with a new device, he can search for other devices by broadcasting on the network (whether wired or wireless), as shown in block 51. The other devices will return a location ID for the location or realm of which they are a part, as shown in block 52. The user can then select a desired one of the locations and enter the correct password for that location, as shown in block 53. Once this is done, then all of the devices in that realm will show up regardless of whether they are local or remote, as shown in block 54. The user is then free to do whatever the user wants to do with the other devices, if the security is set up to allow other users to control the other devices. For example, the user may play a song through another device or download a song therefrom.

**[00123]** Referring now to Figure 8, the discovery process is described in further detail. Preferably, a device can obtain a list of other devices in one of two different ways. According to a first way of obtaining lists of other devices, the lists are obtained through a server whether the device obtaining the lists is a local device or a remote device. According to a second way of obtaining lists of other devices, the lists are obtained directly from the other devices themselves, as long as the device obtaining the lists and the other devices are all local devices.

**[00124]** A local device is a device that is on the same local area network (LAN) as the other devices. That is, devices are considered to be local with respect to one another if they are all on the same local area network. A remote device is a device that is not on the same local area network as the other devices.

**[00125]** According to the first way of obtaining device lists, server 81, preferably on a wide area network such as the Internet, facilitates communication of a list of devices to a new device. The server may be the same server as the playlist server/content server 10 of Figures 1, 6, and 7 or may be a different server.

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**[00126]** For example, if PDA 82 is a new device entering the area of a wireless local area network, a user may enter a user name or ID, a location identifier, and a password into the PDA 82. The user name or ID identifies the user to the rest of the local area network. An example of a user name or ID would be Joes PDA.

**[00127]** The location entry identifies the network that the user wants to become part of. For example, a network at Joe's house may be conveniently named Joes House.

**[00128]** The password is typically necessary to be part of the local area network. That is, the local area network will typically not allow a new device to log thereon without the correct password. The use of passwords may optionally be omitted, if desired.

[00129] Once the appropriate ID, location, and password have been entered, then the PDA 82 communicates with the server 81, such as via a wireless access point. The server 81 maintains a list of the devices on the local area network and communicates this list to the new device, i.e., the PDA 82.

**[00130]** The PDA 82 may then be used to select and control another device on the local area network, such as stereo 83. That is, the user may select the stereo 83 from the list of devices on the local are network and then may command the stereo to play a song or playlist of songs on the playlist of the PDA 82. The PDA 82 may also be used to control parameters of the song being played on the stereo 83, such as volume, tone, and balance. The PDA 82 may also be used to control the order in which the songs are played.

**[00131]** The PDA 82 may directly control the stereo 83, as indicated by the arrows therebetween. Alternatively, the PDA 82 may control the stereo through the server 81, particularly in those instance wherein communication directly between the PDA 82 and the stereo 83 are not adequately facilitated, such as when the distance therebetween is too great or when an obstruction (such as a wall or a larger piece of furniture) blocks the signal between the PCA 82 and the stereo 83.

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**[00132]** When a new device can become part of the local area network, as described above, then the new device is a local device. However, in some instances a remote device may similarly be used to control a device on the network, such as the stereo 83, even though the remote device is not part of the local area network.

**[00133]** For example, the cell phone 84 is a remote device because it is not part of the local area network that the stereo 83 is on. However, the cell phone 84, may still communicate with the server 81, so as to obtain the list of devices on the local area network therefrom. It is still necessary for the cell phone user to enter an ID, location, and password into the cell phone, as was done with the PDA.

**[00134]** The remote device, i.e., cell phone 84, may similarly be used to control the stereo. However, the control signal will be communicated from the cell phone 84 to the server 81 through the server, since direct communication between the cell phone 84 and the stereo is typically not facilitated. Thus, the server 81 functions as a gateway for the remote device to communicate with devices on the local area network.

**[00135]** Preferably, the list of devices communicated from the server 81 to a new device, e.g., PDA, contains an indication as to whether devices on the list are local or remote with respect to the local area network. Thus, the new device knows whether commands to other devices must go through the server 81 or not.

**[00136]** According to the second way of obtaining a list of devices, instead of obtaining the list from the server 81, each device continuously broadcasts its presence, so as to facilitate auto-detection thereof. Thus, each device individually compiles its own list of other devices by monitoring the broadcasts therefrom. Preferably, a user must enter an ID, location, and password, as discussed above.

[00137] According to either method for obtaining a list of devices, a particular physical location, such as a coffee shop for example, may contain a plurality of logical locations or

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realms. Thus, a user may select a particular logical location to log onto. For example, one group of people at the coffee shop may be logged onto a location or local area network named Joes Coffee Group, while another group of people is logged onto a different location or local area network named Bills Coffee Group. A person newly entering the physical location, i.e., the coffee shop, may choose which group to join.

**[00138]** However, the new person must have the correct password for the logical location that he wishes to join. The password may be obtained by requesting it form someone in the logical location. Logging on to the logical location causes a list of devices (or users) to be communicated to the new user's device and also causes the new user's device to be added to the device lists of the other users, as discussed above.

**[00139]** According to one embodiment of the present invention, the first device comprises a remote control for a set-top box and the second device comprises a rendering device that receives signals from the set-top, such as a television or stereo. This embodiment of the present invention is illustrated in Figures 6 and 7 and is described in detail below.

**[00140]** Referring now to Figure 6, one embodiment of the present invention comprises a set-top box 63 that provides a signal to a rendering device, such as a television or stereo 61. The set-top box is in communication with the Internet 11. A playlist server/content server 10 is also in communication with the Internet, as described above.

**[00141]** Optionally, the set-top box functions as a cable television box in addition to functioning as a portion of the digital entertainment network of the present invention.

**[00142]** A remote control 62 for the set-top box 63 preferably fits into a cradle defined by at least a portion of the set-top box. The remote control 62 communicates wirelessly with the set-top box to control operation of the rendering device 61.

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**[00143]** The remote control 62 is in wireless communication with the Internet 11, such as via a wireless access point or wireless router 64.

**[00144]** The remote control 62 defines a first device, as described in detail above. The set-top box, in combination with the rendering device 61, defines a second device as also described in detail above.

**[00145]** Thus, playlists can be requested by the remote control 62 and downloaded from the playlist server 10 via the Internet 11 thereto. Similarly, songs may be downloaded to the remote control 62. The songs may be played on the remote control 62 or may be played on the rendering device 61 in its role as a second device as described above.

**[00146]** For example, a song may be previewed on the remote control 62, even while another song is being played on the rendering device 61. A song may be listened to solely on the remote control 62 as the remote control is carried about at home. Such listening may be via one or more speakers built into the remote control 62 or may be via earphones.

**[00147]** Optionally, the set-top box comprises a display, so that playlists and songs can be selected therefrom. Playlists and songs are downloaded to the set-top box in its role as a second device, as discussed above.

**[00148]** The remote control 62 may be used while cradled by the set-top box 63, as shown in Figure 6. Alternatively, the remote control 62 may be used while removed from the set-top box 63, as shown in Figure 7.

**[00149]** Chat is preferably provided by the first 13 and/or second 14 devices of the present invention. Chat may be used for collaboration among listeners, such as for the compilation and/or exchange of playlists. Such chat may be implemented as voice chat or as text chat in a fashion similar to Internet Relay Chat (IRC), Microsoft Instant Messenger (IM), or AOL Instant Messenger (IM).

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**[00150]** According to one aspect of the present invention, playlist recommendations may be provided to a listener. These playlist recommendations may be provided by the playlist server and may be based upon the listening habits of the listener or upon previous playlist requests. The listening habits of the listener may be determined from playlist and/or song downloads from the playlist server and/or the content server. That is, a playlist recommendation of a playlist of the top ten contemporary songs may be made by the playlist server to a listener who continually listens to several of the songs on this playlist. Similarly, a playlist recommendation of a playlists containing country songs.

**[00151]** The playlist server may also provide playlist recommendations based upon the playlists of others. That is, the playlist server may be configured to recognize when two or more people appear to have similar listening habits and may then recommend the playlists of one of these people to others of the same group.

**[00152]** The wireless communications discussed herein may be effected via a network, such as a network conforming to the Bluetooth (a trademark of Bluetooth SIG, Inc.) standard and/or conforming to the WiFi (a trademark of the WiFi Alliance) standard.

**[00153]** Communications between the first and second devices may be either via a network or via dedicated non-network communications devices such as those utilizing any desired form of wireless data transfer, including those using infrared (IR) and radio frequency (RF).

**[00154]** Although the content described herein is music, those skilled in the art will appreciate that other types of content, including both audio and non-audio content, are likewise subject to use by the present invention. For example, the content may comprise talks, speeches, comedy sketches, stories or books that are read aloud, pictures, video, software, or data.

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**[00155]** It is understood that the exemplary digital entertainment network described herein and shown in the drawings represents only presently preferred embodiments of the invention. Indeed, various modifications and additions may be made to such embodiments without departing from the spirit and scope of the invention. Thus, various modifications and additions may be obvious to those skilled in the art and may be implemented to adapt the present invention for use in a variety of different applications.

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## CLAIMS

Claims:

1. A method for playing music, the method comprising:

displaying a list of playlists names;

selecting one of the displayed playlists names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;

receiving a playlist from the playlist server, the received playlist corresponding to the attribute(s);

selecting at least one song from the received playlist;

sending information representative of the selected song(s) to a content server;

receiving the selected song from the content server; and

playing the selected song(s).

2. The method as recited in Claim 1, wherein the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on the first device.

3. The method as recited in Claim 1, wherein the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on a second device.

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4. The method as recited in Claim 1, further comprising selecting a second device from the first device and wherein the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on a second device.

5. The method as recited in Claim 1, wherein the first device comprises a handheld portable device.

6. The method as recited in Claim 1, wherein the first device comprises a palmtop computer.

7. The method as recited in Claim 1, wherein the first device comprises an MP3 player.

8. The method as recited in Claim 1, wherein the first device comprises a remote control for a second device.

9. The method as recited in Claim 1, wherein the first device comprises a remote control for a second device and the second device comprises a music rendering device.

10. The method as recited in Claim 1, further comprising a second device upon which the selected song(s) are played.

11. The method as recited in Claim 1, wherein selecting one of the displayed playlist names and selecting a song from the playlist are performed using a touchscreen.

12. The method as recited in Claim 1, wherein communicating attributes of a playlist to a playlist server comprises communicating a name of a playlist to a playlist server.

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13. The method as recited in Claim 1, wherein communicating attributes of a playlist to a playlist server comprises communicating at least one attribute selected from the group consisting of:

type of music listened to;

at least one artist;

at least one album

at least one song;

at least one selection;

at least one instrument;

at least one record company;

a region;

a country;

a state;

a city;

a school; and

a year range;

users favorites;

a genre;

a search criteria; and

an ethnicity.

14. The method as recited in Claim 1, wherein sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server comprises communicating the attribute(s) and the playlist via a network.

15. The method as recited in Claim 1, wherein sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server comprises communicating the attribute(s) and the playlist via a wide area network.

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16. The method as recited in Claim 1, wherein sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server comprises communicating the attribute(s) and the playlist via the Internet.

17. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs.

18. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs in the order selected.

19. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs in an order other than the order selected.

20. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs in random order.

21. The method as recited in Claim 1, further comprising automatically providing a playlist recommendation based upon listening habits of a listener.

22. The method as recited in Claim 1, further comprising automatically providing a playlist recommendation based upon listening habits of a listener, the playlist recommendation comprising a playlist of another listener.

23. The method as recited in Claim 1, further comprising automatically providing a playlist recommendation based upon listening habits of a listener, the playlist recommendation comprising a list of currently popular songs within a single genre.

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24. The method as recited in Claim 1, further comprising adjusting at least one parameter on a first device for a song that is being played on a second device, the first device having had a playlist downloaded thereto from the Internet and the second device having had the song downloaded thereto from the Internet, the parameter(s) being selected from the group comprising:

volume;

tone; and

balance.

25. A method for playing music, the method comprising obtaining a playlist for a first device via the Internet, selecting a song from the playlist, using the first device to cause a second device to play the selected song, and wherein the second device obtains the song from the Internet.

26. A method for obtaining a playlist, the method comprising sending at least one attribute of the playlist from a handheld portable device to a playlist server and receiving a playlist from the playlist server.

27. A method for playing music, the method comprising:

displaying a list of playlist names on a first device;

selecting one of the displayed playlist names from the first device;

sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a playlist server;

receiving a playlist from the playlist server, the received playlist corresponding to the attribute(s) and being received by the first device;

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selecting at least one song from the playlist on the first device;

sending information representative of the selected song from the first device to a content server;

receiving the selected song at the first device from the content server; and playing the selected song(s) on the first device.

28. A method for playing music, the method comprising:

displaying a list of playlist names on a first device;

selecting one of the displayed playlist names from the first device;

sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a the second device; having the second device send the playlist attributes to the content server and receiving a playlist from the playlist server, the received playlist corresponding to the attribute(s) and being received by the first device;

selecting a second device;

selecting at least one song from the playlist on the first device;

sending information representative of the selected song from the first device to the second device;

sending information representative of the selected song from the second device to a content server;

receiving the selected song at the second device from the content server; and

playing the selected song(s) on the second device.

29. A device for playing music, the device comprising:

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a display for displaying a list of playlist names and song names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and other devices on the network;

wherein the device is configured to facilitate:

displaying a list of playlist names on the display;

selecting one of the displayed playlist names;

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;

receiving a playlist from the playlist server via the network transceiver, the received playlist corresponding to the attribute(s);

selecting at least one song from the playlist;

sending information representative of the selected song to a content

### server;

receiving the selected song from the content server; and playing the selected song(s).

30. A device for playing music, the device comprising:

a network transceiver;

wherein the device is configured to facilitate:

receiving information representative of a song from another device;

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sending of the information representative of the song to a content server via the network transceiver;

receiving of the song from the content server; and

playing of the song.

31. A playlist server comprising:

a memory within which a plurality of playlists are stored;

a network transceiver;

wherein the playlist server is configured to facilitate:

receiving at least one attribute of a playlist via the network transceiver;

identifying a playlist based upon the attribute(s); and

sending of the playlist to a device via the transceiver.

32. The playlist server as recited in claim 31, wherein the playlist server is further configured to facilitate serving of content.

33. A method for providing music, the method comprising:

receiving at least one attribute of a selected playlist at a playlist server; and

transmitting a playlist that corresponds to the attribute(s) from the playlist server to a first device.

34. A system for playing music, the system comprising:

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a first device configured to display names of playlists and names of songs and to facilitate selection of the playlists and songs;

a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding the received attribute(s) to the first device;

a content server configured to receive information representative of at least one song from the first device and to send corresponding songs to the first device; and

at least one second device configured to send attributes of a playlist to the playlist server, to send information representative of songs to a content server, to receive a playlist from the playlist server, and to receive songs from the content server.

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# PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

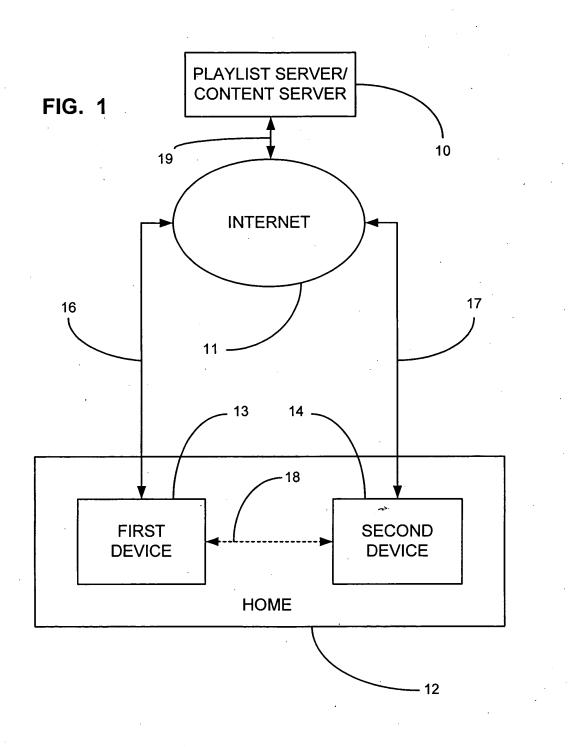
### ABSTRACT

A method for playing music includes displaying a list of playlists names, selecting one of the displayed playlists names, sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server, receiving a playlist from the playlist server wherein the received playlist corresponds to the attribute(s), selecting at least one song from the received playlist, sending information representative of the selected song to a content server, receiving the selected song from the content server, and playing the selected song(s). Requesting a playlist on the first device based on attributes, sending the same attributes to a second device having the second device request the playlist and start playing.

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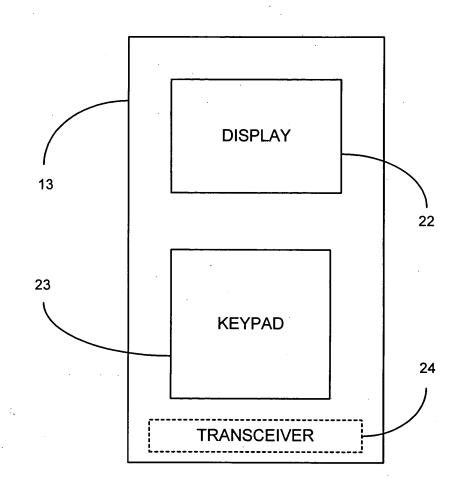


FIG. 2

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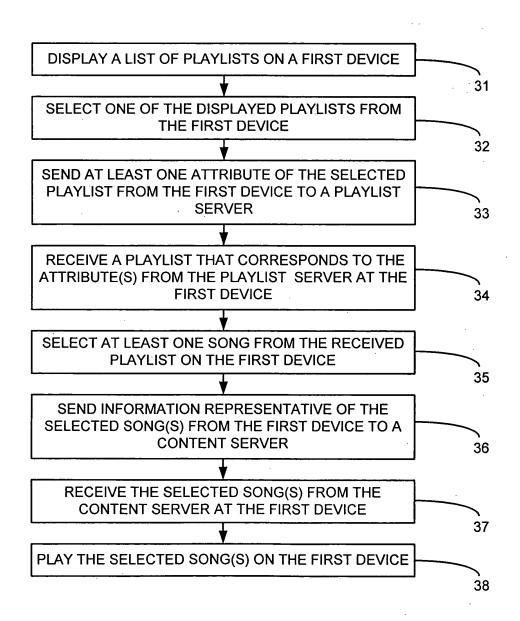
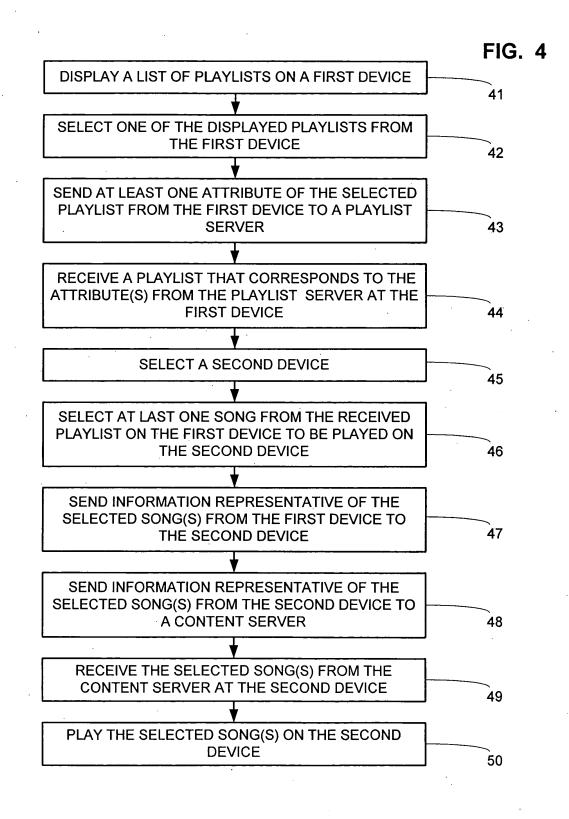


FIG. 3

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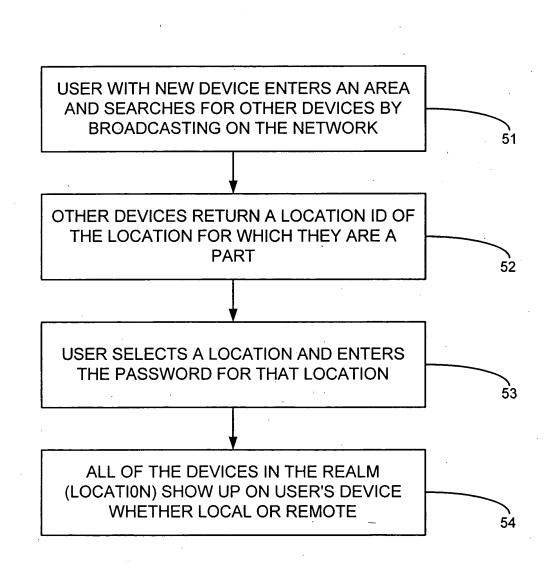
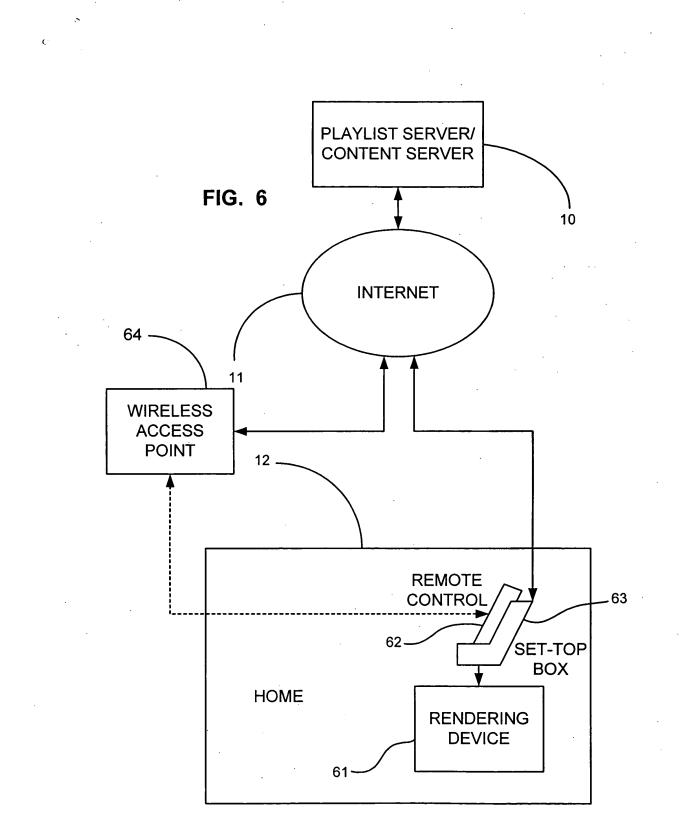
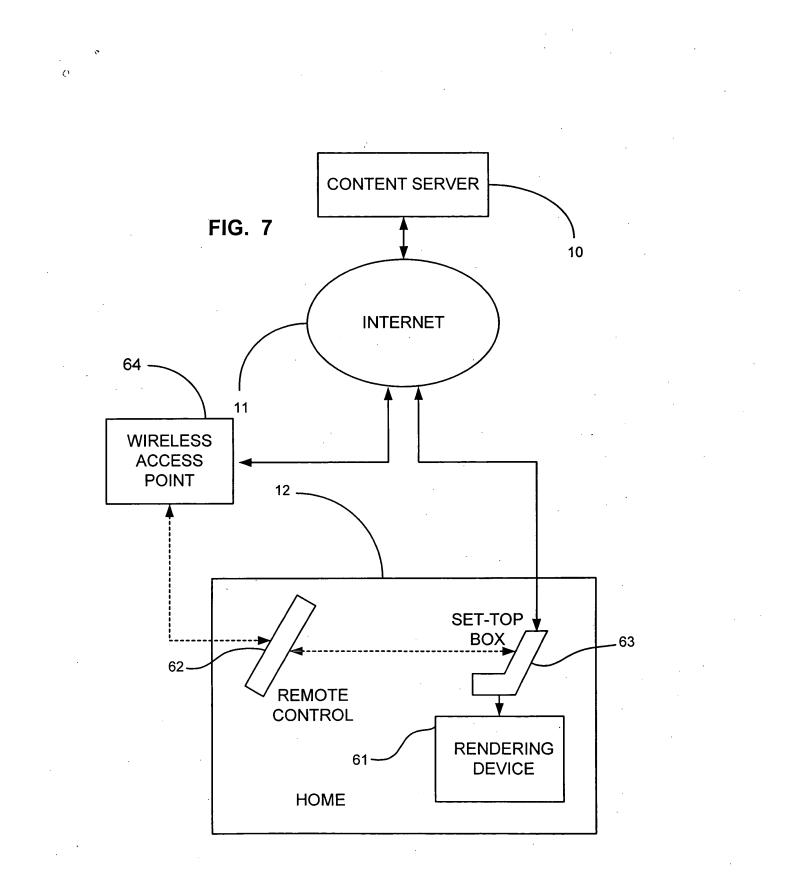


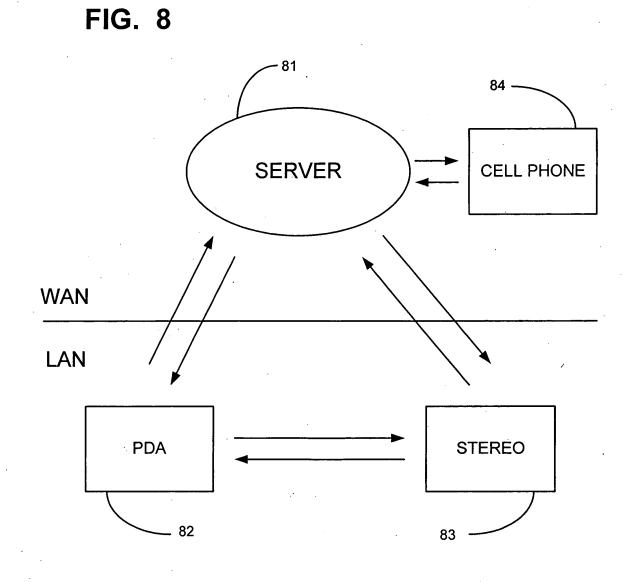
FIG. 5





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FOR			NUMBER FILED		NUMBER EXTRA			BASIC F	EE 385.00	ОВ		
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* If the difference in column 1 is less than zero, enter "0" in column 2								+145=	_	OR	+290=	
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* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.								145=		OR	+290=	
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T	he *Highest Num	ber Previously Paid	For" (Total or	Independen	t) is the	highest number	found	in the ap	propriate box	in colu	mn 1.	
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# PATENT APPLICATION SERIAL NO.

# U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FEE RECORD SHEET

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	FC:2201	301.00	
03	FC:2202	126.00	OP

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