

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD; SAMSUNG ELECTRONICS
AMERICA, INC.; SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC; LG ELECTRONICS, INC.; LG ELECTRONICS
U.S.A., INC.; LG ELECTRONICS MOBILECOMM USA, INC.;
HTC CORP., and HTC AMERICA, INC.
Petitioners

v.

AFFINITY LABS OF TEXAS, LLC
Patent Owner

Case IPR2014-00209
Patent 7,953,390 B2

Before KEVIN F. TURNER, LYNNE E. PETTIGREW, and
JON B. TORNQUIST, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On December 2, 2013, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Electronics Mobilecomm USA, Inc., HTC Corp., and HTC America, Inc. (“Petitioners”) filed a Petition for *inter partes* review of claims 16, 19, and 20 of U.S. Patent 7,953,390 B2 (“the ’390 patent”). Paper 1. On December 12, 2013, Petitioners filed a corrected Petition. Paper 11 (“Pet.”). The owner of the ’390 patent, Affinity Labs of Texas, LLC (“Patent Owner”), filed a Preliminary Response to the Petition on March 7, 2014. Paper 19 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides:

THRESHOLD – The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the Petition and the Preliminary Response, we determine that there is a reasonable likelihood that Petitioners would prevail with respect to claims 16, 19, and 20 of the ’390 patent. Accordingly, pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to those claims.

A. *Related Proceedings*

The ’390 patent is being asserted in *Affinity Labs of Texas, LLC v. Samsung Electronics Co., Ltd.*, No. 1:12-cv-557 (E.D. Tex.). Paper 18. The ’390 patent is also the subject of pending *inter partes* review petition

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IPR2014-00212. *Id.*; Pet. 8.

B. *Prior Art Relied Upon*

Petitioners rely on the following prior art references:

Galensky	US 6,845,398 B1	Jan. 18, 2005	Ex. 1003
Bork	US 6,633,932 B1	Oct. 14, 2003	Ex. 1004
Boys	US 6,314,094 B1	Nov. 6, 2001	Ex. 1005
Aaron	US 4,345,147	Aug. 17, 1982	Ex. 1006
Ravi	US 6,292,834 B1	Sep. 18, 2001	Ex. 1007
Carmel	US 6,389,473 B1	May 14, 2002	Ex. 1008

C. *The Asserted Grounds*

Petitioners assert the following grounds of unpatentability (Pet. 9):

References	Basis	Claims
Galensky and Bork	§103	16, 19, and 20
Galensky, Bork, and Carmel	§103	19
Boys, Aaron, and Ravi	§103	16, 19, and 20
Boys, Aaron, Ravi, and Carmel	§103	19

D. *The '390 Patent*

The '390 patent is directed to a delivery system for digitally stored content. Ex. 1001, 1:17-19. In particular, the '390 patent relates to the wireless delivery of media content, such as songs, video, on-line radio stations, on-line broadcasts, and text. *Id.* at 2:55-59, 3:10-15, 3:37-39, 14:41-44.

Many different wireless devices may be used to select and receive media content in the system and method of the '390 patent, including "a

network radio, a modular device, an audio system, a personal digital assistant (PDA), a cellular phone, or other electronic devices operable to receive information wirelessly.” *Id.* at 4:29-32. In at least one embodiment, the wireless device contains a physical interface that allows a different electronic device simultaneously to communicate with, and to recharge the battery of, the wireless device using a single cable having multiple conductive elements. *See id.* at 17:18-62, 20:9-20.

In one embodiment of the ’390 patent, a user selects desired audio information from a webpage. *Id.* at 14:34-44. This audio information may include “a single song, a plurality [of] different songs,” or “an entire album.” *Id.* at 14:42-44. After the user finishes selecting the desired songs, the system creates both a playlist and a listing of “network or URL locations” where the songs on the playlist may be found. *Id.* at 14:44-53. The songs on the playlist then are retrieved from one or more of the listed network locations and streamed to the user. *Id.* at 5:58-6:10, 14:50-61, 15:46-51.

The selected songs may be streamed to a user over a high-speed wireless communications network. *Id.* at 5:64-6:7. In this embodiment, selected content is delivered initially to the wireless device at a high transmission rate. *Id.* Once a sufficient buffer has been established in the memory of the wireless device, the rest of the selected content then is transmitted at a second, slower rate. *Id.*

E. Illustrative Claims

Of the challenged claims, only claim 16 is independent. Claim 16 and dependent claim 19 are illustrative of the claims at issue and are reproduced below:

16. A system for content delivery, comprising:
a portable device having a display, a local rechargeable battery,

- a wireless communication system, and a processor;
- a physical interface of the portable device, the physical interface configured to connect to an interface system that includes a cable having multiple conductive elements, wherein the physical interface is designed such that a different electronic device can be communicatively coupled with the physical interface of the portable device using the interface system in a manner that allows the different electronic device to recharge the local rechargeable battery using at least one of the multiple conductive elements and to communicate with the portable device using at least one other of the multiple conductive elements; and
- a computer-readable medium having stored instructions that when executed are operable to cause the processor: (1) to present an icon on the display, the icon associated with content that is deliverable as streaming media; (2) to recognize a selection of the icon; and (3) to switch between a set of communication rates at which the portable device receives a first portion and a second portion of the content, wherein the set of communication rates comprise at least a first data rate and a second data rate that is slower than the first data rate.

19. The system of claim 16, wherein the stored instructions are further operable to cause the processor: (1) to obtain a listing of network locations at which to access the streaming media; and (2) to cause a first of the network locations to be accessed to facilitate a streaming delivery of the streaming media.

(line breaks added for readability).

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, “[a] claim in an unexpired patent shall be given its broadest reasonable construction in light of the specification of the

patent in which it appears.” 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). In determining the broadest reasonable construction, a claim term is presumed to carry its ordinary and customary meaning. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). This presumption may be rebutted when a patentee, acting as a lexicographer, sets forth an alternate definition of a term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Petitioners provide proposed constructions for multiple claim terms. Pet. 15-18. Patent Owner disputes one of these constructions and submits its own proposed construction. Prelim. Resp. 6-7. For this decision, we construe only the one claim term we deem necessary for institution.

A listing of network locations at which to access the streaming media

Petitioners' Proposal	Patent Owner's Proposal
A list of sources, addresses or links for streaming media that is available on a network. Pet. 17.	A list of network addresses corresponding to portions of an available media. Prelim. Resp. 6-7.

Petitioners assert that the “listing of network locations” may contain multiple network locations for multiple songs on a network. Pet. 17, 53-54. Patent Owner argues Petitioners’ proposed construction is too broad. According to Patent Owner, because the term “the streaming media” refers to a single file or song, and because “network locations” refer to a plurality of network locations, each of the listed network locations must provide a portion of the same single, broken-up media file. Prelim. Resp. 6-7.

The foundation of Patent Owner's argument is that the term "the streaming media" in claim 19 refers to a single file or song. The term "streaming media" is not defined explicitly in the '390 patent. In the context of claims 16, 19, and 20, the term is introduced first in independent claim 16, which recites: "(1) to present an icon on the display, the icon associated with content that *is deliverable as streaming media.*" Use of the term "deliverable as" indicates that "streaming media" refers to the method of content delivery, and not to a single file or song, as asserted by Patent Owner. This is consistent with the general definition of "streaming," which is "relating to or being the transfer of data (as audio or video material) in a continuous stream especially for immediate processing or playback." (*Streaming Definition*, MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com/dictionary/streaming>); *see also* (*Streaming Media Definition*, <http://www.techopedia.com/definition/14586/streaming-media>) (noting that "streaming media" refers to a method of delivering multimedia elements).

It is, instead, the term "content" in claim 16 that indicates what information is delivered "as streaming media." In the '390 specification, the term "content," and the related terms "desirable audio information" and "selected audio information," are not limited to a single file or song. Ex. 1001, 1:17-19, 2:48-65, 6:20-33, 7:21-30, 8:64-9:5, 14:36-58. In addition, to the extent that "the streaming media" in claim 19 was intended to identify more than the method of content delivery, use of the word "the" in "the streaming media" presumptively carries the meaning of "one or more," and Patent Owner directs us to no portion of the '390 patent specification or prosecution history expressing a clear intent to limit the scope of "the streaming media" in claim 19, or "content" in claim 16, to a single file or

song. *See Free Motion Fitness, Inc. v. Cybex Int'l, Inc.*, 423 F.3d 1343, 1350-1351 (Fed. Cir. 2005) (noting that the terms “a,” “an,” and “the” are presumed to mean “one or more” when used in conjunction with the antecedent “comprising”); Prelim. Resp. 6-7. Therefore, we are not persuaded that “the streaming media” in claim 19 is limited to a single file or song or that each network location must contain a portion of the same, broken-up media file.

Petitioners also propose that “network locations” be construed as “sources, addresses, or links.” Pet. 17 (citing Ex. 1001, 3:42-51, 10:3-5, 14:48-58). Upon review of Petitioners’ argument and the ’390 specification, however, we are not persuaded that the term “network locations” is defined expressly as “sources, addresses, or links,” nor is it evident why this term requires further clarification at this time. *See* Ex. 1001, 3:44-54, 14:48-58.

In light of the foregoing, we conclude that the broadest reasonable construction of the term “a listing of network locations at which to access the streaming media” is “a listing of network locations at which content that is to be delivered as streaming media may be accessed.”

B. Obviousness of Claims 16, 19, and 20 over Galensky and Bork

Petitioners assert that claims 16, 19, and 20 are unpatentable under 35 U.S.C. § 103 over Galensky and Bork. In support of their argument, Petitioners provide detailed claims charts and rely on the supporting declaration testimony of Dr. Schuyler Quackenbush (Ex. 1015).

1. Galensky

Galensky is directed to a “system, method and portable, wireless device for receiving, playing and storing streamed multimedia files over a wireless telecommunications network.” Ex. 1003, 3:13-17. The portable

device of Galensky includes a display, a rechargeable battery, a wireless transmitter, and a microprocessor. *Id.* at 4:1-33. The wireless device also contains various input controls for operating the device and for selecting multimedia files to be streamed from the multimedia server. *Id.* at 4:42-48.

In the Galensky system, the media server “either stores multimedia files or a list of particular multimedia files and their respective address/location.” *Id.* at 5:7-9. When a wireless device connects to the media server, the system transmits a list of these available files and songs to the user. *Id.* at 5:18-24. The user then may view this list on the visual display of the wireless device and, using the input controls, select desired songs or videos for streaming. *Id.* at 5:18-42.

Galensky discloses initially streaming the desired content to a user at a high transmission rate. *Id.* at 5:66-6:27. Then, once a sufficient buffer has been established in the memory of the wireless device, the wireless device signals that a second, lower rate may be used. *Id.*

2. *Bork*

Bork is directed to a universal serial bus (“USB”) interface and cable. Ex. 1004, Abstract. The USB cable has multiple conductive elements, allowing an electronic device to simultaneously communicate with, and recharge the battery of, a portable device. *Id.* at 5:12-14, 5:41-43, 6:66-7:12, 8:18-28. According to *Bork*, this single cable system has numerous advantages. *Id.* at 2:54-63. First, a bulky electrical power transformer is not required for the portable device. *Id.* at 2:54-63, 5:5-15, Figs. 21, 22. Second, a user can synchronize data with a computer and download software updates for the portable device at the same time the battery of the portable device is being recharged. *Id.* at 4:17-24, 4:47-55, Fig. 22. Finally, a laptop

computer running solely on battery power can recharge the battery of another portable device, which, according to Bork, is useful when another source of power is unavailable. *Id.* at 8:18-28.

3. *Analysis*

Petitioners contend that Galensky and Bork disclose all the limitations of claims 16, 19, and 20. For example, with respect to claim 16, Petitioners assert that Galensky discloses a portable device with a display, a rechargeable battery, a wireless transmitter, and a microprocessor. Pet. 19; Ex. 1003, 2:8-12, 4:1-41. Petitioners further assert that Galensky discloses a portable device having stored instructions operable to cause the processor: (1) to present an icon on a display that is associated with content that is deliverable as streaming media; (2) to recognize the selection of such an icon; and (3) to switch between a first, higher communications rate and a second, lower rate. Pet. 19-20. Petitioners also assert that Bork discloses a physical interface that permits an electronic device to both communicate with, and recharge the battery of, a portable device using a single cable having multiple conductive elements. Pet. 20-21, 26-29; Ex. 1004, 5:12-14, 6:66-7:12, 8:18-28.

With respect to claim 19, Petitioners assert that Galensky discloses obtaining in the portable device a listing of network locations where selected content may be accessed, and causing a first of these network locations to be accessed to facilitate the streaming delivery of the selected content. Pet. 19, 34; Ex. 1003, 5:3-9, 5:18-42; Ex. 1015 ¶¶ 59-61. With respect to claim 20, Petitioners assert that Galensky discloses streaming both audio and video files. Pet. 33-34; Ex. 1003, 1:7-11, 4:42-48, 5:3-9, 5:18-24, 5:31-45.

Petitioners, supported by the declaration testimony of Dr.

Quackenbush, assert that one of ordinary skill in the art would have found it obvious to “incorporate Bork’s teachings of the advantageous use of a single, multiple-conductor cable (a USB cable) to provide both recharging and data communication capability between a PC and a portable device, in implementing Galensky’s portable device.” Pet. 21-22; Ex. 1015 ¶¶ 42-52. According to Petitioners, such a combination would simply bring together two known elements, “e.g., Bork’s USB for recharging the battery and Galensky’s portable device with data connectivity and switching communications rates,” with each performing the same function as it does separately, to yield predictable results. Pet. 24; Ex. 1015 ¶¶ 48-51; *see also KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 417 (2007) (noting that “when a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement,” the combination is likely obvious (internal quotations and citations omitted)).

In the Preliminary Response, Patent Owner asserts that one of ordinary skill in the art would not have combined Galensky and Bork because “Galensky makes no mention of the disclosed device receiving data over a cable” and “one would not need a cable that could both charge the battery and transfer data for the device disclosed in Galensky.” Prelim. Resp. 11-12. Although Galensky is silent with respect to how the wireless device is recharged and updated, at this stage of the proceeding we find persuasive Dr. Quackenbush’s testimony that one of ordinary skill in the art would have found it both advantageous and obvious to incorporate Bork’s well-known USB interface into the wireless device of Galensky to allow for synchronizing, updating, and recharging of the wireless device using a single

cable. Ex. 1015 ¶¶ 42-52; Ex. 1011, 17 (indicating that as early as September 23, 1998, the technical specifications of the USB interface and cable were publically available).

Patent Owner also argues that Galensky does not disclose that the portable device initiates the switch between a higher and a lower communications rate. Prelim. Resp. 16-17. At this stage of the proceeding, we do not find this argument persuasive, as Galensky explicitly discloses that the microprocessor of the portable device initiates the switch between a higher and a lower transmission rate:

Once an acceptable buffer is created (e.g., approximately 5-10 seconds of buffer), the microprocessor 82 will instruct the transceiver 94 to signal the wireless network 40 to decrease the data transmission rate to the minimum rate necessary for adequate transmission

Ex. 1003, 6:10-15; *see also* Ex. 1003, 4:1-8 (noting that transceiver 94 is part of the wireless device and is connected to microprocessor 82), 4:33-35 (noting that microprocessor 82 is part of the portable device).

Patent Owner further argues that Galensky only discloses transmitting to the portable device a list of available multimedia files, and not “a listing of network locations” where these files may be found. Prelim. Resp. 24-25. On this record, however, we conclude that Petitioners have presented sufficient evidence to show that Galensky’s multimedia servers maintain a “list of particular multimedia files and their respective address/location” on the network and that the user is provided with the address/location of selected files. Pet. 33; Ex. 1003, 4:58-60 (noting that the portable device of Galensky maintains a “list of previous files (e.g., songs) and/or links that were previously accessed”) (emphasis added), 5:3-9, 5:18-24.

With respect to claim 19, Patent Owner argues that Galensky and Bork fail to disclose “multiple locations (plural) for a single selectable media.” Prelim. Resp. 24-25. We are not persuaded by this argument, because it is based on Patent Owner’s proposed claim construction that we did not adopt.

Upon review of Petitioners’ and Patent Owner’s arguments, we conclude that Petitioners have set forth sufficient articulated reasoning with rational underpinning to support the proposed combination of references. *See KSR*, 550 U.S. at 418. We, therefore, are persuaded that the information presented shows a reasonable likelihood that Petitioners would prevail in showing claims 16, 19, and 20 are unpatentable under 35 U.S.C. § 103 as obvious over Galensky and Bork.

C. Obviousness of Claim 19 Over Galensky, Bork, and Carmel

Petitioners contend that claim 19 also would have been obvious under 35 U.S.C. § 103 over Galensky, Bork, and Carmel. Petitioners rely upon this ground of unpatentability to address Patent Owner’s proposed construction of “a listing of network locations at which to access the streaming media.” Pet. 53-55. As we have declined to adopt Patent Owner’s proposed construction, Petitioners’ ground relying on Galensky, Bork, and Carmel is redundant to the ground of unpatentability on which we initiate *inter partes* review. Therefore, we do not authorize an *inter partes* review on this ground.

D. Obviousness of Claims 16, 19, and 20 Over Boys, Aaron, and Ravi and Claim 19 over Boys, Aaron, Ravi, and Carmel

Petitioners assert that claims 16, 19, and 20 are also unpatentable under 35 U.S.C. § 103 as obvious over Boys, Aaron, and Ravi, and that claim 19 is unpatentable under 35 U.S.C. § 103 as obvious over Boys,

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Aaron, Ravi, and Carmel. Pet. 35, 53. Petitioners do not explain, however, why this set of references is stronger with respect to certain claims than Galensky and Bork. Therefore, we exercise our discretion not to go forward with all of the grounds proffered by Petitioners, and do not authorize an *inter partes* review on these grounds. See C.F.R. § 42.108(a).

III. CONCLUSION

For the foregoing reasons, we conclude that the information presented in the Petition and Preliminary Response establishes that there is a reasonable likelihood that Petitioners would prevail in showing the unpatentability of claims 16, 19, and 20 of the '390 patent.

At this stage of the proceeding, the Board has not made a final determination as to the patentability of any challenged claim.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is instituted as to claims 16, 19, and 20 of the '390 patent on the following ground: claims 16, 19, and 20 as unpatentable under 35 U.S.C. § 103 as obvious over Galensky and Bork;

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(a), *inter partes* review of the '390 patent is hereby instituted commencing on the entry date of this Order, and pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; and

FURTHER ORDERED that the trial is limited to the grounds identified above and no other grounds are authorized.

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DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On December 2, 2013, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, LG Electronics, Inc., LG Electronics U.S.A., Inc., LG Electronics Mobilecomm USA, Inc., HTC Corp., and HTC America, Inc. (“Petitioners”) filed a Petition for *inter partes* review of claims 16, 19, and 20 of U.S. Patent 7,953,390 B2 (“the ’390 patent”). Paper 1. On December 12, 2013, Petitioners filed a corrected Petition. Paper 10 (“Pet.”). The owner of the ’390 patent, Affinity Labs of Texas, LLC (“Patent Owner”), filed a Preliminary Response to the Petition on March 11, 2014. Paper 16 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

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Upon consideration of the Petition and the Preliminary Response, we determine that there is a reasonable likelihood that Petitioners would prevail with respect to claims 16, 19, and 20 of the ’390 patent. Accordingly, pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to those claims.

A. *Related Proceedings*

The ’390 patent is being asserted in *Affinity Labs of Texas, LLC v. Samsung Electronics Co., Ltd.*, 1:12-cv-557 (E.D. Tex.). Paper 15. The

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'390 patent is also the subject of pending *inter partes* review petition IPR2014-00209. *Id.*

B. Prior Art Relied Upon

Petitioners rely on the following prior art references:

Hitson	2002/0010759 A1	Jan. 24, 2002	Ex. 1103
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Fuller	6,711,622 B1	Mar. 23, 2004	Ex. 1106
Lee	6,728,531 B1	Apr. 27, 2004	Ex. 1107
Ravi	6,292,834 B1	Sept. 18, 2001	Ex. 1109
Carmel	6,389,473 B1	May 14, 2002	Ex. 1110

C. The Asserted Grounds

Petitioners assert the following grounds of unpatentability (Pet. 8-9):

References	Basis	Claims
Hitson and Fuller	§103	16, 19, and 20
Hitson, Bork, Fuller	§103	16, 19, and 20
Lee, Bork, and Ravi	§103	16, 19, and 20
Hitson, Fuller, and Carmel	§103	19
Hitson, Bork, Fuller, and Carmel	§103	19
Lee, Bork, Ravi, and Carmel	§103	19

D. The '390 Patent

The '390 patent is directed to a delivery system for digitally stored content. Ex. 1101, 1:17-19. In particular, the '390 patent relates to the wireless delivery of media content, such as songs, video, on-line radio stations; on-line broadcasts, and text. *Id.* at 2:55-59, 3:10-15, 3:37-39,

14:41-44.

Many different wireless devices may be used to select and receive media content in the system and method of the '390 patent, including “a network radio, a modular device, an audio system, a personal digital assistant (PDA), a cellular phone, or other electronic devices operable to receive information wirelessly.” *Id.* at 4:29-32. In at least one embodiment, the wireless device contains a physical interface that allows a different electronic device to communicate with, and to recharge the battery of, the wireless device using a single cable having multiple conductive elements. *See id.* at 17:18-62, 20:9-20.

In one embodiment of the '390 patent, a user selects desired audio information from a webpage. *Id.* at 14:34-44. This audio information may include “a single song, a plurality [of] different songs,” or “an entire album.” *Id.* at 14:42-44. After the user finishes selecting the desired songs, the system creates both a playlist and a listing of “network or URL locations” where the songs on the playlist may be found. *Id.* at 14:44-53. The songs on the playlist then are retrieved from one or more of the listed network locations and streamed to the user. *Id.* at 5:58-6:10, 14:50-61, 15:46-51.

The selected songs may be streamed to a user over a high-speed wireless communications network. *Id.* at 5:64-6:7. In this embodiment, selected content is delivered initially to the wireless device at a high transmission rate. *Id.* Once a sufficient buffer has been established in the memory of the wireless device, the rest of the selected content then is transmitted at a second, slower rate. *Id.*

E. Illustrative Claims

Of the challenged claims, only claim 16 is independent. Claim 16 and

dependent claim 19 are illustrative of the claims at issue and are reproduced below:

16. A system for content delivery, comprising:
a portable device having a display, a local rechargeable battery, a wireless communication system, and a processor;
- a physical interface of the portable device, the physical interface configured to connect to an interface system that includes a cable having multiple conductive elements, wherein the physical interface is designed such that a different electronic device can be communicatively coupled with the physical interface of the portable device using the interface system in a manner that allows the different electronic device to recharge the local rechargeable battery using at least one of the multiple conductive elements and to communicate with the portable device using at least one other of the multiple conductive elements; and
- a computer-readable medium having stored instructions that when executed are operable to cause the processor: (1) to present an icon on the display, the icon associated with content that is deliverable as streaming media; (2) to recognize a selection of the icon; and (3) to switch between a set of communication rates at which the portable device receives a first portion and a second portion of the content; wherein the set of communication rates comprise at least a first data rate and a second data rate that is slower than the first data rate.

19. The system of claim 16, wherein the stored instructions are further operable to cause the processor: (1) to obtain a listing of network locations at which to access the streaming media; and (2) to cause a first of the network locations to be accessed to facilitate a streaming delivery of the streaming media.

(line breaks added for readability).

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, “[a] claim in an unexpired patent shall be given its broadest reasonable construction in light of the specification of the patent in which it appears.” 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). In determining the broadest reasonable construction, a claim term is presumed to carry its ordinary and customary meaning. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). This presumption may be rebutted when a patentee, acting as a lexicographer, sets forth an alternate definition of a term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Petitioners provide proposed constructions for multiple claim terms. Pet. 14-17. Patent Owner disputes one of these constructions and submits its own proposed construction. Prelim. Resp. 6-8. For this decision, we construe only the one claim term we deem necessary for institution.

A listing of network locations at which to access the streaming media

Petitioners' Proposal	Patent Owner's Proposal
A list of sources, addresses or links for streaming media that is available on a network. Pet. 16-17.	A list of network addresses corresponding to portions of an available media. Prelim. Resp. 6-8.

Petitioners assert that the “listing of network locations” may contain multiple network locations for multiple files or songs on a network. Pet. 16-17, 53-54. Patent Owner argues Petitioners’ proposed construction is too broad. According to Patent Owner, because the term “the streaming media”

refers to a single file or song, and because “network locations” refer to a plurality of network locations, each of the listed network locations must provide a portion of the same single, broken-up media file. Prelim. Resp. 6-8.

The foundation of Patent Owner’s argument is that the term “the streaming media” refers to a single file or song. The term “streaming media” is not defined explicitly in the ’390 patent. In the context of claims 16, 19, and 20, the term is introduced first in independent claim 16, which recites: “(1) to present an icon on the display, the icon associated with content that *is deliverable as streaming media.*” Use of the term “deliverable as” indicates that “streaming media” refers to the method of content delivery, and not to a single file or song, as asserted by Patent Owner. This is consistent with the general definition of “streaming,” which is “relating to or being the transfer of data (as audio or video material) in a continuous stream especially for immediate processing or playback” (*Streaming Definition*, MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com/dictionary/streaming>); *see also* (*Streaming Media Definition*, <http://www.techopedia.com/definition/14586/streaming-media>) (noting that “streaming media” refers to a method of delivering multimedia elements).

It is, instead, the term “content” in claim 16 that indicates what information is delivered “as streaming media.” In the ’390 specification, the term “content,” and the related terms “desirable audio information” and “selected audio information,” are not limited to a single file or song. Ex. 1101, 1:17-19, 2:48-65, 6:20-33, 7:21-30, 8:64-9:5, 14:36-58. In addition, to the extent that “the streaming media” in claim 19 was intended to identify more than the method of content delivery, use of the word “the” in “the

streaming media” presumptively carries the meaning of “one or more,” and Patent Owner directs us to no portion of the ’390 patent specification or prosecution history expressing a clear intent to limit the scope of “the streaming media” in claim 19, or “content” in claim 16, to a single file or song. *See Free Motion Fitness, Inc. v. Cybex Int’l, Inc.*, 423 F.3d 1343, 1350-1351 (Fed. Cir. 2005) (noting that the terms “a,” “an,” and “the” are presumed to mean “one or more” when used in conjunction with the antecedent “comprising”); Prelim. Resp. 6-7. Therefore, we are not persuaded that “the streaming media” in claim 19 is limited to a single file of song or that each network location must contain a portion of the same, broken-up media file.

Petitioners also propose that “network locations” be construed as “sources, addresses, or links.” Pet. 16-17 (citing Ex. 1101, 3:42-51, 10:3-5, 14:48-58). Upon review of Petitioners’ argument and the ’390 specification, however, we are not persuaded that the term “network locations” is defined expressly as “sources, addresses, or links,” nor is it evident why this term requires construction at this time. *See Ex. 1101, 3:44-54, 14:48-58.*

In light of the foregoing, we conclude that the broadest reasonable construction of the term “a listing of network locations at which to access the streaming media” is “a listing of network locations at which content that is to be delivered as streaming media may be accessed.”

B. Obviousness of Claims 16, 19, and 20 Over Hitson and Fuller and Hitson, Bork, and Fuller

Petitioners assert that claims 16, 19, and 20 are unpatentable under 35 U.S.C. § 103 over Hitson and Fuller, as well as Hitson, Bork, and Fuller. In support of their argument, Petitioners provide detailed claims charts and rely

on the supporting declaration testimony of Dr. Schuyler Quackenbush (Ex. 1118).

1. *Hitson*

Hitson relates to a system and method for delivering multimedia content to a computer, portable media player, or other electronic device. Ex. 1103, Abstract. In Hitson, the portable media player may connect to another device or a server through either a wireless or wired connection, including a Universal Serial Bus (“USB”) cable connection. *Id.* ¶¶ 0005, 0006, 0039, 0050, 0085, Fig. 22. At least one of the portable media players disclosed in Hitson has a display, a rechargeable battery, a processor, and memory. *Id.* ¶ 0005; Pet. 19; Ex. 1118 ¶¶ 37-38.

In the Hitson system, multimedia content is stored in one or more media databases, which are accessible through one or more web servers. Ex. 1103 ¶ 0131. Using a web browser, a user may view a list of this available content, select desired songs or video, and request that the selected songs and video be streamed to the portable media player. *Id.* ¶¶ 0076, 0112-0113, 0131, 0133. The transmission rate for the streaming content is determined “through software, hardware, or by asking a user.” *Id.* ¶ 0070. For example, the user may inform the system that a “narrowband” or “broadband” connection is available. *Id.* at Fig. 3.

2. *Bork*

Bork is directed to a universal serial bus (“USB”) interface and cable. Ex. 1105, Abstract. The USB cable has multiple conductive elements, allowing an electronic device simultaneously to communicate with, and recharge the battery of, a portable device. *Id.* at 5:12-14, 5:41-43, 6:66-7:12, 8:18-28. According to Bork, this single cable system has numerous

advantages. *Id.* at 2:54-63. First, a bulky electrical power transformer is not required for the portable device. *Id.* at 2:54-63, 5:5-15, Figs. 21, 22.

Second, a user can synchronize data with a computer and download software updates for the portable device at the same time the battery of the portable device is being recharged. *Id.* at 4:17-24, 4:47-55, Fig. 22. Finally, a laptop computer running solely on battery power can recharge the battery of another portable device, which, according to Bork, is useful when another source of power is unavailable. *Id.* at 8:18-28.

3. *Fuller*

Fuller is directed to a system and method for providing streaming audio and video to users. Ex. 1106, Abstract. In *Fuller*, a web browser is used to review and select available content on a network. *See id.* at 4:46-49, 8:30-36, Figs. 1-3. This available content may include links for, among other things, an audio jukebox or a live radio broadcast. *Id.* at Fig. 3. After a user selects desired content, the selected items then are streamed to the user. *Id.* at 2:57-59, 8:30-36.

In *Fuller*, the server transmits a Java applet to the client device. *Id.* at 8:37-41. This Java applet serves both to decode the streaming audio data and to monitor the rate at which the client receives and processes information from the server. *Id.* at 8:37-41, 10:11-17. If the Java applet determines that the client is not receiving the audio or video data at a sufficient rate, the applet can instruct the server to reduce the rate of transmission to “more appropriately match the bandwidth availability of the client.” *Id.* at 10:11-17.

4. *Analysis*

Petitioners contend that Hitson, Bork, and Fuller disclose all the limitations of claims 16, 19, and 20. In particular, Petitioners assert that Hitson discloses a portable device with a display, a local rechargeable battery, a wireless communication system, and a processor. Pet. 18-20, 25-26; Ex. 1103 ¶¶ 0003, 0005, 0012, 0039, 0050, 0080; Ex. 1118 ¶¶ 37-39. Petitioners also assert that Hitson discloses allowing “users to view a list of content (*e.g.*, a playlist) that is available to be streamed to the PMP, select the content, and request a continuous content stream.” Pet. 19; Ex. 1103 ¶ 0076. Petitioners further assert that both Hitson and Bork disclose using a USB interface, and that Bork, in particular, discloses a USB interface that permits an electronic device to both communicate with, and recharge the battery of, a portable device using a single cable having multiple conductive elements. Pet. 19-21; Ex. 1103 ¶¶ 0006, 0050, Fig. 22; Ex. 1105, 5:12-14, 6:66-7:12, 8:18-28. Petitioners further assert that Fuller discloses switching the transmission rate of streaming media between an initial, higher rate and a second, lower rate. Pet. 21, 24-25, 35; Ex. 1106, 10:11-17; Ex. 1118 ¶¶ 61-62.

With respect to the rationale for combining these references, Petitioners argue that one of ordinary skill in the art would have been motivated to implement Bork’s USB interface and cable in the system of Hitson in light of the numerous benefits disclosed for these elements in Bork, including the ability to synchronize and recharge a portable device using a single cable. Pet. 22-23; Ex. 1105, 2:54-63; Ex. 1118 ¶¶ 43-50. Petitioners further assert that one of ordinary skill in the art would have been motivated to modify Hitson to implement Fuller’s method of monitoring and

adjusting transmission rates, in order to ensure the “efficient and uninterrupted delivery of streaming content.” Pet. 24; Ex. 1118 ¶¶ 61-62. According to Petitioners, the combination of Hitson, Bork, and Fuller would merely bring together known elements, each performing the same function as it does separately, to yield a predictable result. Pet. 23-25; Ex. 1118 ¶¶ 48-50, 61-62.

Patent Owner makes three primary arguments against the combination of Hitson, Bork, and Fuller. First, Patent Owner argues that one of ordinary skill in the art would not have combined Hitson with Bork or Fuller because Hitson does not contain a “detailed technical disclosure of the actual hardware” used to perform the claimed method, and is simply focused on “providing an economic incentive to multimedia producers to provide high quality, digital content.” Prelim. Resp. 11-12. Patent Owner does not explain sufficiently, however, what specific technical disclosure is lacking in Hitson or why one of ordinary skill in the art could not implement Hitson’s method without this information. Patent Owner also does not explain sufficiently why Hitson’s stated goal of providing economic incentive to multimedia producers would discourage one of skill in the art from combining Hitson with Bork and Fuller. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 420 (2007) (rejecting the argument that one of ordinary skill would be led only to elements of the prior art designed to solve the same problem); *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994) (noting that “[a] reference may be said to teach away when a person of ordinary skill in the art, upon reading the reference, would be discouraged from following the path set out in the reference”). Therefore, at this stage of the proceeding, we are not persuaded by Patent Owner’s arguments.

Second, Patent Owner argues that one of ordinary skill in the art would not incorporate Bork's USB interface into the Hitson system because "[i]t is nonsensical and impractical for a portable device to use its own battery power to recharge the battery of another device." Prelim. Resp. 13. At this stage of the proceeding, we do not find this argument persuasive because Bork explicitly teaches using a portable device to recharge the battery of another portable device, and provides a reasonable rationale for why one would seek to use such a configuration. *See* Ex. 1105, 8:18-28 (disclosing that it is advantageous to use a portable computer to recharge the battery of a portable device when travelling). Patent Owner also asserts that the two servers described in Hitson would not need a USB interface "as neither server likely has a battery." Prelim. Resp. 13. Hitson, however, is not limited to connecting two servers. Ex. 1103 ¶¶ 0038-0039, Fig. 23. For example, Hitson discloses that the portable media device may act as a client, exchanging files with a server through a wired or wireless connection. *Id.* ¶¶ 0039, 0050. Therefore, on this record, we are not persuaded by Patent Owner's argument.

Finally, Patent Owner argues that one of skill in the art would not modify Hitson to incorporate Fuller's method of controlling data transmission rates because "Hitson already provided a solution to the problem of data transmission bandwidth." Prelim. Resp. 13. At this stage of the proceeding, we are not persuaded by Patent Owner's argument because Patent Owner has not explained sufficiently why Hitson's general disclosure of selecting a data transmission rate through "software, hardware, or by asking a user" would indicate to one of ordinary skill in the art that there are

no potential bandwidth or resource allocation issues in the Hitson system.
See Ex. 1103 ¶ 0070.

In addition to arguing that one of ordinary skill in the art would not combine the references, Patent Owner also argues that Hitson, Bork, and Fuller do not disclose or suggest all of the limitations of claims 16, 19, and 20. With respect to claim 16, Patent Owner argues that Fuller does not teach or suggest that the portable device varies the communications rate between the server and the portable device. According to Patent Owner, in Fuller it is the web server, through the download of the Java applet, which controls the communications rate of the system, and not the portable device. Prelim. Resp. 26-27. On this record, we are not persuaded by this argument because, regardless of where the Java applet originates from in Fuller, it is the microprocessor of the portable device that executes and controls the Java applet code. Ex. 1106, 8:37-42, 8:55-56 (noting that the client executes the Java applets).

Patent Owner also argues that Hitson, Fuller, and Bork do not teach the limitations of claim 19 because the references only disclose obtaining a listing of network locations for several different media to be streamed, and not a “listing of network locations” for the same single, broken-up file or song. Prelim. Resp. at 28-33. We do not find this argument persuasive because it is premised on Patent Owner’s proposed claim construction that we did not adopt.

Upon review of Hitson, Bork, and Fuller, as well as Petitioners’ and Patent Owner’s arguments, we are persuaded that Petitioners have set forth sufficient articulated reasoning with rational underpinning to support the proposed combination of references. *See KSR*, 550 U.S. at 418. We,

therefore, conclude that Petitioners have demonstrated a reasonable likelihood that claims 16, 19, and 20 would have been obvious over Hitson, Bork, and Fuller. In view of our decision to institute *inter partes* review on this ground, we deny as redundant the Hitson and Fuller ground asserted by Petitioners.

C. Obviousness of Claim 19 Over Hitson, Fuller, and Carmel and Hitson, Bork, Fuller, and Carmel

Petitioners contend that claim 19 also would have been obvious under 35 U.S.C. § 103 over Hitson, Fuller, and Carmel, as well as Hitson, Fuller, Bork, and Carmel. Petitioners rely upon these grounds of unpatentability to address Patent Owner's proposed construction requiring multiple network locations for a single, broken-up file or song. Pet. 54. As we have declined to adopt Patent Owner's proposed construction, Petitioners' grounds relying on Hitson, Fuller, and Carmel and Hitson, Bork, Fuller, and Carmel are redundant to the ground of unpatentability on which we initiate *inter partes* review. Therefore, we do not authorize an *inter partes* review on these grounds.

D. Obviousness of Claims 16, 19, and 20 Over Lee, Bork, and Ravi and Claim 19 Over Lee, Bork, Ravi, and Carmel

Petitioners assert that claims 16, 19, and 20 are unpatentable under 35 U.S.C. § 103 as obvious over Lee, Bork, and Ravi, and that claim 19 is unpatentable under 35 U.S.C. § 103 as obvious over Lee, Bork, Ravi, and Carmel. Pet. 8-9. Petitioners do not explain, however, why either set of references is stronger with respect to certain claims than the Hitson-based grounds discussed above. Therefore, we exercise our discretion not to go forward with all of the grounds proffered by Petitioners, and do not

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authorize an *inter partes* review on these grounds. See 37 C.F.R. § 42.108(a).

III. CONCLUSION

For the foregoing reasons, we determine that the information presented in the Petition and Preliminary Response establishes that there is a reasonable likelihood that Petitioners would prevail in showing the unpatentability of claims 16, 19, and 20 of the '390 patent.

At this stage of the proceeding, the Board has not made a final determination as to the patentability of any challenged claim.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is instituted as to claims 16, 19, and 20 of the '390 patent on the following ground: claims 16, 19, and 20 as unpatentable under 35 U.S.C. § 103 as obvious over Hitson, Bork, and Fuller.

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(a), *inter partes* review of the '390 patent is hereby instituted commencing on the entry date of this Order, and pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; and

FURTHER ORDERED that the trial is limited to the grounds identified above and no other grounds are authorized.

Case IPR2014-00212
Patent 7,953,390 B2

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12495190	
	Filing Date		2009-06-30	
	First Named Inventor	Russell W. White, et al.		
	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

U.S.PATENTS						
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
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12495190
	Filing Date	2009-06-30
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C7US

1	U.S. Patent and Trademark Office, Reexamination Control No. 90/010,333, "Decision Granting Petition" (on the 95/001,264 third party requester (Apple, Inc.)) mailed on April 18, 2011, 6 pages.	<input type="checkbox"/>
2	U.S. Patent and Trademark Office, Reexamination Control No. 90/010,333, "Decision Granting-In-Part Petition And Expunging Improper Paper" (on the 95/001,223 third party requester Volkswagen Group of America, Inc.) mailed on April 18, 2011, 10 pages.	<input type="checkbox"/>
3	U.S. Patent and Trademark Office, Reexamination Control No. 95/001,281, "Decision Dismissing Petition" mailed on May 5, 2011, 2 pages.	<input type="checkbox"/>
4	Volkswagen Group of America, Inc., Reexamination Control No. 95/001,223 (merged with 90/010,333 and 95/001,264), "Petition Under 37 C.F.R. 1.181 For Reconsideration," filed on May 3, 2011, 23 pages.	<input type="checkbox"/>
5	Volkswagen Group of America, Inc., Reexamination Control No. 95/001,223 (merged with 90/010,333 and 95/001,264), "Transmittal of Replacement Comments of Requester, Volkswagen Group of America, Inc., Pursuant to 37 C.F.R. 1.947," filed on May 3, 2011, with Exhibits 1-9, and Declaration of Scott Andrews Under 37 C.F.R. 1.132, 271 pages.	<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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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.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV 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	12495190
	Filing Date	2009-06-30
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C7US

CERTIFICATION STATEMENT

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

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	/Mark J. Rozman/	Date (YYYY-MM-DD)	2011-05-26
Name/Print	Mark J. Rozman	Registration Number	42117

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 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.
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 Patent Application Fee Transmittal

Application Number:	12495190				
Filing Date:	30-Jun-2009				
Title of Invention:	METHOD FOR CONTENT DELIVERY				
First Named Inventor/Applicant Name:	Russell W. White				
Filer:	Mark J. Rozman/Stephanie Petreas				
Attorney Docket Number:	AFF.0004C7US				
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:	10178417
Application Number:	12495190
International Application Number:	
Confirmation Number:	2380
Title of Invention:	METHOD FOR CONTENT DELIVERY
First Named Inventor/Applicant Name:	Russell W. White
Customer Number:	21906
Filer:	Mark J. Rozman/Stephanie Petreas
Filer Authorized By:	Mark J. Rozman
Attorney Docket Number:	AFF.0004C7US
Receipt Date:	26-MAY-2011
Filing Date:	30-JUN-2009
Time Stamp:	16:55:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$180
RAM confirmation Number	4045
Deposit Account	201504
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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)	AFF004C7USIDSToFile.pdf	38437	no	4
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2	NPL Documents	DecisionDismissingPetitionin281.pdf	138053	no	2
			65e5c0bc18235f0da4e3bdb4959e09441b811bf7		
Warnings:					
Information:					
3	NPL Documents	DecisionGrantingInPartPetitionin223.pdf	700214	no	9
			137490bc84d86adbdae6ac4fbbd26effc5237034		
Warnings:					
Information:					
4	NPL Documents	DecisionGrantingPetitionin264.pdf	389906	no	6
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Warnings:					
Information:					
5	NPL Documents	DeclarationofAndrewsWithVW ReplacementComments.pdf	9241268	no	114
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Warnings:					
Information:					
6	NPL Documents	VWPetitionForReconsiderationwithExhibitsin223.pdf	2831242	no	38
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Warnings:					
Information:					
7	NPL Documents	VWReplacementCommentsMa y3withExhibits1of2.pdf	8828653	no	102
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8	NPL Documents	VWReplacementCommentsMa y3withExhibits2of2.pdf	4653271	no	55
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9	Fee Worksheet (PTO-875)	fee-info.pdf	30644 9f18b094bd9c9c21a4137d6b0ab87f8e6c17619	no	2
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/495,190	05/31/2011	7953390	AFF.0004C7US	2380

21906 7590 05/11/2011
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

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 0 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):

Russell W. White, Austin, TX;
Kevin R. Imes, Austin, TX;

Receipt date: 12/16/2010

12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12015320	
	Filing Date		2008-01-16	
	First Named Inventor	Russell White, et al.		
	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C6US		

Change(s) applied
to document,
/G.H./
4/29/2011

	9	6917923		2005-12-06 07	Dimenstein	
	10	6157619		2000-12-05	Ozluturk	
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U.S. PATENT APPLICATION PUBLICATIONS

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
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FOREIGN PATENT DOCUMENTS

Receipt date: 12/16/2010

12495190 - GAU: 2617

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320
	Filing Date	2008-01-16
	First Named Inventor	Russell White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004CSUS

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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
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Change(s) applied to document,

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12015320	
	Filing Date		2008-01-16	
	First Named Inventor	Russell White, et al.		
	Art Unit	2817		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C5US		

	31	7145898		2006-12-05	Elliott	
	32	7130807		2006-10-31	Mikurak	
	33	7124101		2006-10-17	Mikurak	
	34	6978127		2005-10-20	Bulthuis, et al.	
	35	6909708		2005-06-21	Krishnaswamy, et al.	
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Change(s) applied
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12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320
	Filing Date	2008-01-16
	First Named Inventor	Russell White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C5US

Change(s) applied
to document,
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12495190
	Filing Date		2009-06-30
	First Named Inventor	Russell W. White, et al.	
	Art Unit		2617
	Examiner Name	Erika A. Gary	
	Attorney Docket Number		AFF.004C7US

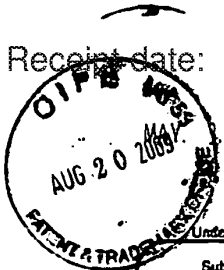
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4/29/2011

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	7149543		2006-12-12	Kumar II	
	2	7321783		2008-01-22	Kim	
	3	5991640		1999-11-23	Lilja	
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12495190 - GAU: 2617



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Application Number	10/947,755
Filing Date	09/23/2004
First Named Inventor	Russell W. White
Art Unit	2686
Examiner Name	Perez-Gutierrez, R.
Attorney Docket Number	111111.1111-2C

Change(s) applied to document, /G.H./ 4/29/2011

Change(s) applied to document, /M.W.J./ 4/12/2011

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Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		US- 2003/0008646		12-2002	Shanahan 01-2003	
		US- 2005/0010833		01-2003	Saughan Suen	
		US- 6,587,835		07-2003	Treyz et al.	
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Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	/Erika Gary/ (09/15/2010)	Date Considered	09/15/2010
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12495190 - GAU: 2617

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Russell W. White	
	Art Unit		
	Examiner Name	Unknown	
	Attorney Docket Number	1111111.1111-5C	

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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	
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	2	7145898		2006-12-05	Elliott, Isaac K.		
	3	7130807		2006-10-31	Mikurak, Michael G.		
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Change(s) applied to document, /G.H./ 4/29/2011	5	6978127		12 2005- 10-20	Bulthuis et al.		
	6	6909708		2005-06-21	Krishnaswamy et al.		
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Receipt date: 08/20/2009

12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320
	Filing Date	2008-01-16
	First Named Inventor	Russell W. White
	Art Unit	2618
	Examiner Name	GELIN, Jean Alland
	Attorney Docket Number	1111111.1111-5C

Change(s) applied
to document,
/G.H./
4/29/2011

	9	6230322	B1	2001-05-08	Saib et al.	
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Receipt date: 08/20/2009

12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320
	Filing Date	2008-01-16
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C5US

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Change(s) applied to document, /G.H./ 4/29/2011	12	5450613		1995- 10-12 ⁰⁹	Takahara , et al.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12015320	
	Filing Date		2008-01-16	
	First Named Inventor	Russell W. White, et al.		
	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C5US		

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Change(s) applied to document, /G.H./ 4/29/2011	49	11-317061	WO JPX		1999-11-16			<input type="checkbox"/>
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Russell W. White	
	Art Unit		
	Examiner Name	Unknown	
	Attorney Docket Number	111111.1111-5C	

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	
Change(s) applied to document, /M.W.J./ 4/13/2011	1	6571282		5-2003 2003-07-57	Bowman-Amuah; Michel K.		
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Application Number 	Application/Control No. 12/495,190	Applicant(s)/Patent under Reexamination WHITE ET AL.	
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12495190 - GAU: 2617

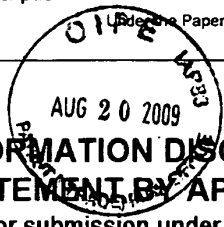
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12015320
Filing Date	2008-01-16
First Named Inventor	Russell W. White, et al.
Art Unit	2617
Examiner Name	Erika A. Gary
Attorney Docket Number	AFF.004C5US

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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	6144358		2000-11-07	Narayanaswamy, et al.		
Change(s) applied to document, /M.W.J./ 4/12/2011	2	7013251 70132151		2006-03-14	NACE Hirokawa		
	3	6175789		2001-01-16	Beckert, et al.		
	4	6201540		2001-03-13	Gallup, et al.		
	5	6202008		2001-03-13	Beckert, et al.		
	6	6363240		2002-03-26	Ito		
	7	6434459		2002-08-13	Wong, et al.		
	8	6449541		2002-09-10	Goldberg, et al.		

Receipt date: 12/16/2010

12495190 - GAU: 2617

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12015320
	Filing Date		2008-01-16
	First Named Inventor	Russell White, et al.	
	Art Unit	2617	
	Examiner Name	Erika A. Gary	
	Attorney Docket Number	AFF.004C5US	

U.S.PATENTS						
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	5974333		1999-10-26	Chen	
	2	6418330		2002-07-09	Samsung	
	3	6587127		2003-07-01	Leeke, et al.	
	4	7123936		2006-10-17	Rydbeck, et al.	
	5	6177950		2001-01-23	Robb	
	6	6510325		2003-01-21	Mack, II, et al.	
	7	6278884 62788842		2001-08-21	Kim	
	8	7339993		2008-03-04	Brooks	

Change(s) applied
to document,
/M.W.J./
4/12/2011

Receipt date: 08/20/2009

12495190 - GAU: 2617

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Substitute for form 1448/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>	Complete if Known		
	Application Number	09/537,812	
	Filing Date	03/28/2000	
	First Named Inventor	Russell W. White	
	Art Unit	2617	
	Examiner Name	GELIN, Jean Alland	
Attorney Docket Number	111111.1111		
Sheet	1	of	4

U. S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	B1	US-	2005/0096018	05/05/05	White et al.	
	B2	US-	2005/0049002	03/05/05	White et al.	
	B3	US-	2002/0023028	02/21/02	Quarendon et al.	
	B4	US-	6,975,835	12/13/05	Lake et al.	
	B5	US-	6,792,615	09/14/04	Rowe et al.	
	B6	US-	6,792,263	09/14/04	Kite Karen	
	B7	US-	6,788,528	09/07/04	Enners et al.	
	B8	US-	6,772,212	08/03/04	Lau et al.	
	B9	US-	6,741,980	05/25/04	Langseth et al.	
	B10	US-	6,671,715	12/30/03	Langseth et al.	
	B11	US-	6,591,085	07/08/03	Grady, Jeff	
	B12	US-	6,420,975	07/16/02	DeLine et al.	
	B13	US-	6,516,466 6396769	05/28/02	Polany, Rany	
	B14	US-	6,292,440	09/18/01	Lee, San-Hun	
	B15	US-	6,240,297	05/29/01	Jadoul, Marc	
	B16	US-	6,232,539	05/15/01	Looney et al.	
	B17	US-	6,061,306	05/09/00	Buchheim, James	
	B18	US-	5,953,657	09/14/99	Ghisler, Walter	
	B19	US-	5,940,767	08/17/99	Bourgeois et al.	

Change(s) applied
to document,
/M.W.J./
4/12/2011

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³	Number * Kind Code ² (if known)				
	B21						
	B22						
	B23						
	B24						
	B25						
	B26						

Examiner Signature	/Erika Gary/ (09/15/2010)	Date Considered	09/15/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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 2 hours 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, 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.

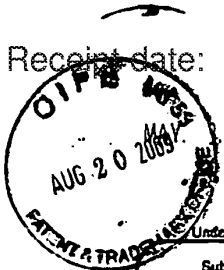
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Samsung Ex. 1211 p. 57

Receipt date: 08/20/2009

12495190 - GAU: 2617



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NO. 0891 P. 5

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/947,755
Filing Date	09/23/2004
First Named Inventor	Russell W. White
Art Unit	2686
Examiner Name	Perez-Gutierrez, R.
Attorney Docket Number	111111.1111-2C

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		US-	US-2003/0008646	12-2002	Shanahan	
		US-	US-2005/0010833	01-2003	Baughan	
		US-	8,587,835	07-2003	Treyz et al.	
		US-	6,496,692	01-2003	Shanahan	
		US-	6,510,210	01-2003	Shanahan	
		US-	6,396,769	05-2002	Polany	
		US-	6,240,297	05-2001	Jadoul	
		US-	6,061,306	05-2000	Buchhelm	
		US-	5,953,667	09-1999	Ghisler	
		US-	5,940,767	08-1999	Bourgeois et al.	
		US-	5,870,680	02-1999	Guerlin et al.	
		US-	5,774,793	02-1998 6-1998	Cooper et al.	
		US-	5,587,580	12-1996	Crooks et al.	
		US-	5,586,090	12-1996	Otte	
		US-	5,450,471	09-1995	Hanawa et al.	
		US-	5,307,326	04-1994	Osawa	
		US-	4,905,272	02-1990	Van de Mortel et al.	
		US-				
		US-				

Change(s) applied to document, /M.W.J./ 4/12/2011

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	/Erika Gary/ (09/15/2010)	Date Considered	09/15/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinda Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. ⁶Applicant is to place a check mark here if English language translation is attached.

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 2 hours 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, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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Receipt date: 08/20/2009

12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Russell W. White	
	Art Unit		
	Examiner Name	Unknown	
	Attorney Docket Number	1111111.1111-5C	

	20	6640244		2003-10-28	Bowman-Amuah; Michel K.	
	21	6640238		2003-10-28	Bowman-Amuah; Michel K.	
	22	6636242		2003-10-21	Bowman-Amuah; Michel K.	
	23	6615253		2003-09-02	Bowman-Amuah; Michel K.	
	24	6615199		2003-09-02	Bowman-Amuah; Michel K.	
	25	6606744		2003-08-12	Mikurak; Michael G.	
	26	6606660		2003-08-12	Bowman-Amuah; Michel K.	
	27	6601234		2003-07-29	Bowman-Amuah; Michel K.	
	28	6601192		2003-07-29	Bowman-Amuah; Michel K.	
Change(s) applied to document, /M.W.J./	29	6578068		2003-07-10 06-2003	Bowman-Amuah; Michel K.	
If you wish to add additional U.S. Patent citation information please click the Add button.						<input type="button" value="Add"/>
U.S.PATENT APPLICATION PUBLICATIONS						<input type="button" value="Remove"/>

Receipt date: 08/20/2009

12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320
	Filing Date	2008-01-16
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C5US

	42	6128559		2000-10-03	Saitou , et al.	
	43	6131060		2000-10-10	Obradovich , et al.	
	44	6133853		2000-10-17	Obradovich , et al.	
	45	6148261		2000-11-14	Obradovich , et al.	
	46	6161071		2000-12-12	Shuman , et al.	
	47	6169515		2001-01-02	Mannings , et al.	
Change(s) applied to document, /M.W.J./ 4/12/2011	48	5175782 6175782		2001-01-16	Obradovich , et al.	
	49	6584403		2003-06-24	Bunn	

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U.S.PATENT APPLICATION PUBLICATIONS						<input type="button" value="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	20020144271		2002-10-03	BEHAGEN, MICHAEL ; et al.	
If you wish to add additional U.S. Published Application citation information please click the Add button.						<input type="button" value="Add"/>

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12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12015320	
	Filing Date		2008-01-16	
	First Named Inventor	Russell W. White, et al.		
	Art Unit		2617	
	Examiner Name	Erika A. Gary		
	Attorney Docket Number		AFF.004C5US	

	20	5774827		1998-06-30	Smith, Jr., et al.	
	21	5777394		1998-07-07	Arold	
	22	5790973		1998-08-04	Blaker, et al.	
	23	5790974		1998-08-04	Tognazzini	
Change(s) applied to document, /M.W.J./ 4/12/2011	24	5802492 4802492		1989-02-07	Grunstein	
	25	5806018		1998-09-08	Smith, et al.	
	26	5808566		1998-09-15	Behr, et al.	
	27	5864305		1999-01-26	Rosenquist	
	28	5875412		1999-02-23	Sulich, et al.	
	29	5908464		1999-06-01	Kishigami, et al.	
	30	5917405		1999-06-29	Joao	

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Bib Data Sheet

CONFIRMATION NO. 2380

SERIAL NUMBER 12/495,190	FILING OR 371(c) DATE 06/30/2009 RULE	CLASS 455	GROUP ART UNIT 2617	ATTORNEY DOCKET NO. AFF.0004C7US
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APPLICANTS
 Russell W. White, Austin, TX;
 Kevin R. Imes, Austin, TX;

**** CONTINUING DATA *******
 This application is a CON of 12/015,320 01/16/2008 PAT 7,778,595
 which is a CON of 10/947,755 09/23/2004 PAT 7,324,833
 which is a CON of 09/537,812 03/28/2000 PAT 7,187,947

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

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
**** 07/09/2009**

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY TX	SHEETS DRAWING 9	TOTAL CLAIMS 18	INDEPENDENT CLAIMS 2	
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance					
Verified and Acknowledged	Examiner's Signature _____	Initials _____			

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TITLE
 METHOD FOR CONTENT DELIVERY

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		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/495,190 06/30/2009 Russell W. White AFF.0004C7US 2380
7590 03/10/2011
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631
EXAMINER
GARY, ERIKA A
ART UNIT PAPER NUMBER
2617
MAIL DATE DELIVERY MODE
03/10/2011 PAPER

NOTICE OF NON-COMPLIANT INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement (IDS) filed 3.3.11 in the above-identified application fails to meet the requirements of 37 CFR 1.97(d) for the reason(s) specified below. Accordingly, the IDS will be placed in the file, but the information referred to therein has not been considered.

The IDS is not compliant with 37 CFR 1.97(d) because:

- The IDS lacks a statement as specified in 37 CFR 1.97(e).
The IDS lacks the fee set forth in 37 CFR 1.17(p).
The IDS was filed after the issue fee was paid. Applicant may wish to consider filing a petition to withdraw the application from issue under 37 CFR 1.313(c) to have the IDS considered. See MPEP 1308.

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/495,190	06/30/2009	Russell W. White	AFF.0004C7US	2380
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21906 7590 03/09/2011
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HOUSTON, TX 77057-2631

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
-----------	---------------

03/09/2011

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.

Response to Rule 312 Communication	Application No.	Applicant(s)
	12/495,190	WHITE ET AL.
	Examiner	Art Unit

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

1. The amendment filed on 03 March 2011 under 37 CFR 1.312 has been considered, and has been:
- a) entered.
 - b) entered as directed to matters of form not affecting the scope of the invention.
 - c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
 - d) disapproved. See explanation below.
 - e) entered in part. See explanation below.


Publishing Division

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop **ISSUE FEE**
Commissioner for Patents
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or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21906 7590 02/22/2011
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

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 have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop **ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/495,190	06/30/2009	Russell W. White	AFF.0004C7US	2380

TITLE OF INVENTION: **METHOD FOR CONTENT DELIVERY**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/23/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
GARY, ERIKA A	2617	455-410000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

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 Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1

(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. _____ 2

_____ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE **Affinity Labs of Texas, LLC**

(B) RESIDENCE: (CITY and STATE OR COUNTRY) **Austin, TX**

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies _____

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A check is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **20-1504** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature  Date 3/4/11

Typed or printed name Mark J. Rozman Registration No. 42,117

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Electronic Patent Application Fee Transmittal

Application Number:	12495190
Filing Date:	30-Jun-2009
Title of Invention:	METHOD FOR CONTENT DELIVERY
First Named Inventor/Applicant Name:	Russell W. White
Filer:	Mark J. Rozman/Stephanie Petreas
Attorney Docket Number:	AFF.0004C7US

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:				
Total in USD (\$)				1810

Electronic Acknowledgement Receipt

EFS ID:	9590540
Application Number:	12495190
International Application Number:	
Confirmation Number:	2380
Title of Invention:	METHOD FOR CONTENT DELIVERY
First Named Inventor/Applicant Name:	Russell W. White
Customer Number:	21906
Filer:	Mark J. Rozman/Stephanie Petreas
Filer Authorized By:	Mark J. Rozman
Attorney Docket Number:	AFF.0004C7US
Receipt Date:	04-MAR-2011
Filing Date:	30-JUN-2009
Time Stamp:	16:13:33
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	2618
Deposit Account	201504
Authorized User	ROZMAN,MARK J.

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	AFF004C7USIssueFeeTransmittal.pdf	130235 <small>644a398aa6ad22ac5fbbd56b7bb3ac57a952e442</small>	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31885 <small>7ed1a50b28bb8bb56d2b0e9c5d70d9f4b67e650b</small>	no	2
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12495190	
	Filing Date		2009-06-30	
	First Named Inventor	Russell W. White, et al.		
	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

U.S.PATENTS						
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	7711838		2010-05-04	Boulter	

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	1	DE 101 01 702 A1	DE		2001-01-15	Plagge, Frank et al.		<input type="checkbox"/>

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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.	T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12495190
	Filing Date	2009-06-30
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	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C7US

1	GSM 03.64 version 6.0.1 Release 1997, TS 101 350 V6.0.1, 42 pages, Aug. 1998	<input type="checkbox"/>
2	NOVAK, DRUCE and QUIGG, LLP, Third Party Requester's Comments To Patent Owner's Reply Of September 14, 2010 Pursuant To 37 C.F.R. 1.947 with Exhibits A-E, mailed December 20, 2010, in U.S. Patent Reexamination No. 90/010,333.	<input type="checkbox"/>
3	Declaration of Scott Andrews Under 37 C.F.R. 1.132 with Exhibits A-C, submitted with Comments of Requester, Volkswagen Group of America, Inc., Pursuant to 37 CFR 1.947, mailed February 11, 2011, in U.S. Patent Reexamination No. 95/001,281.	<input type="checkbox"/>
4	Declaration of Dr. DeWayne Perry Under 37 C.F.R. 1.132 with Exhibits A-P, submitted with Comments of Requester, Volkswagen Group of America, Inc., Pursuant to 37 CFR 1.947, mailed February 11, 2011, in U.S. Patent Reexamination No. 95/001,281.	<input type="checkbox"/>
5	"Handbook for the WorkPad c3 PD Companion" 3Com Corporation, 1998, 240 pages.	<input type="checkbox"/>
6	"IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition" Published by Standards Information Network, IEEE Press, 2000, pages 357 and 994.	<input type="checkbox"/>
7	KENYON & KENYON LLP, Comments Of Requester, Volkswagen Group of America, Inc., Pursuant to 37 CFR 1.947, mailed February 11, 2011, with Claims Charts (pages 1-46) and Exhibits 1-11 in U.S. Patent Reexamination No. 95/001,281.	<input type="checkbox"/>
8	KENYON & KENYON LLP, Comments of Requester, Volkswagen Group of America, Inc., Pursuant to 37 C.F.R. 1.947 mailed December 20, 2010 in U.S. Patent Reexamination No. 95/001,233 (merged with 90/010,333 and 95/001,264), with Claims Charts (pages 1-80) and Exhibits 1-11.	<input type="checkbox"/>
9	Declaration of Scott Andrews Under 37 C.F.R. 1.132 with Exhibits A-C, submitted with Comments of Requester, Volkswagen Group of America, Inc., Pursuant to 37 CFR 1.947, mailed December 20, 2010, in U.S. Patent Reexamination No. 95/001,233.	<input type="checkbox"/>

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

Application Number	12495190
Filing Date	2009-06-30
First Named Inventor	Russell W. White, et al.
Art Unit	2617
Examiner Name	Erika A. Gary
Attorney Docket Number	AFF.004C7US

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12495190
	Filing Date	2009-06-30
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C7US

CERTIFICATION STATEMENT

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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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	/Mark J. Rozman/	Date (YYYY-MM-DD)	2011-03-03
Name/Print	Mark J. Rozman	Registration Number	42117

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Laid Open Print
DE 101 01 702 A 1

Int. Cl. 7:
B 60 R 11/02
H 05 K 11/02

File number: 101 01 702.2
Application date: 15. 1. 2001
Disclosure date: 18. 7. 2002

DE 101 01 702 A 1

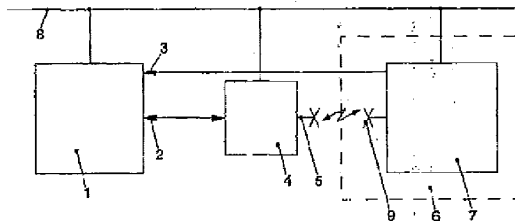
Applicant:
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Inventors:
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Printed publications to be considered in order to determine the patentability:
DE 199 48 402 A1
DE 199 17 169 A1
EP 09 99 549 A2

The following information was taken from the documents submitted by the applicant

Motor Vehicle Audio Device
The invention relates to a motor vehicle audio device, including an interface for a CD changer, whereby an interface emulator (4) is connected to the interface (2) for the CD changer, and a player (7) for digital audio signals that are stored in compressed form is connected to the interface emulator (4), and whereby the interface emulator (4) converts control and status signals coming from the motor vehicle audio device (1) to a format compatible with the player, and status signals coming from the player (7) to a format compatible with the CD changer.



DE 101 01 702 A 1

Description

[0001] The invention relates to a motor vehicle audio device, including an interface for a CD changer, as described in the preamble of Claim 1.

[0002] Currently, there essentially exist several standards for storing music signals or tone signals in a compressed manner in digital form, for example, the MP-3 Standard (MPEG-1 Audio Layer 3), the MS Audio Standard (WMA) and AAC (Advanced Audio Codirig), defined by the MPEG-2 Standard. With the aid of an appropriately equipped computer, one is able to store audio signals, coded and compressed according to these standards, on CD ROMs available in the market, and recall them at any time. Due to the compression, one is thus able to achieve on a CD-ROM a playing time that is greater by a multiple. Various portable players, such as MP-3 players, are already known for playback. Various devices are already known for the integration of a player of compressed-stored data into a motor vehicle.

[0003] A combined player for digitally stored music signals and tone signals is known from DE 299 19 802 U1, in which, with the aid of a laser beam, optically scannable data of the inserted CD/CD-ROM are guided either to a signal processing stage for MP3 or to a signal processing stage for non-data-reduced signals, using a manual switch or automatically, using an identification device.

[0004] An MP3 player for a motor vehicle is known from EP 0 999 549 A2, which includes a device for the recognition of the data format, whereby the data of an audio CD are guided directly to a digital/analog converter and the MP3 data are guided to an MP3 decoder having a digital/analog converter connected downstream. Using a single CD player, both audio CD's and MP3 CD's may thus be played, so that one may do without a CD changer.

[0005] The disadvantage of the known MP3 player design approaches is that, in each case, the motor vehicle radios that are already present have to be exchanged. This is extremely costly, especially in the case of high-valued motor vehicle radios as a component of infotainment design approaches. On the other hand, the majority of motor vehicle radios present offer no possibility of practically integrating players for data stored in compressed fashion.

[0006] Therefore, the invention is based on the technical problem of creating a motor vehicle radio with a player of data stored in compressed form, whereby motor vehicle radios already present should largely be able to be retrofitted.

[0007] The solution of the technical problem follows from the subject matter having the features of Claim 1. Additional advantageous embodiments of the invention follow from the dependent claims.

[0008] To this end, an interface emulator is connected to the interface for the CD changer of the motor vehicle radio, and a player of audio data stored in compressed form according to one of the standards is connected to the interface emulator, whereby the interface emulator converts control and status signals coming from the motor vehicle radio to a format compatible with the player, and status signals coming from the player to a format compatible with the CD changer.

[0009] In a further preferred specific embodiment, the output of the player of the digital audio signals stored in compressed form is connected directly to an input of the motor vehicle audio device, whereby the digital audio signals are then

converted to analog audio signals in the player before being passed on to the motor vehicle audio device.

[0010] In principle, the interface emulator could be integrated into the player of audio signals stored in compressed form. This is of advantage if the configuration does not change. However, in that case the currently available players have to be modified.

[0011] In a further preferred specific embodiment, the interface emulator and the player of digital audio signals stored in compressed form are therefore designed as separate units. In this context, an interface is preferably allocated to each the player and the interface emulator, particularly an interface for wireless data transmission, via which the control signals and the status signals can be transmitted.

[0012] In another preferred specific embodiment, the player of digital audio signals stored in compressed form is connected to the motor vehicle electrical system via the interface emulator or via a plug connection. If the player is a portable unit, it may be provided that the accumulators are charged during the operating phases of the motor vehicle.

[0013] In another preferred specific embodiment, means for converting various portable media-playback devices are stored in the interface emulator, which can optionally be connected to the interface emulator.

[0014] The invention is explained in greater detail below, on the basis of a preferred exemplary embodiment. The only figure shows a schematic block diagram of a motor vehicle audio device with an MP3 player.

[0015] Motor vehicle audio device 1 includes an interface 2 for a CD changer and an audio input 3 for CD data. Motor vehicle audio device 1 is connected to an interface emulator 4, via interface 2. Interface emulator 4 is also designed to include a wireless interface 5. Interface emulator 4 is able to communicate, via wireless interface 5, with an MP3 player 7 which is situated in an accommodating unit 6. The MP3 data may be either stored in a storage medium or made available online.

[0016] Accommodating unit 6 includes mechanical connecting means and electrical plug connections that are not shown, via which the MP3 player can be connected to a motor vehicle electrical system 8 and audio input 3 of motor vehicle radio 1. In addition, MP3 player 7 is designed to have a wireless interface 9. MP3 player 7 is situated detachably in accommodating unit 6, so that, for instance, portable MP3 players 7 can be attached only temporarily to motor vehicle audio device 1.

[0017] Now, if such a portable MP3 player 7 is situated in the accommodating unit, it is supplied with voltage via motor vehicle electrical system 8, and the accumulators, not shown, are charged at the same time. The output signals of MP3 player 7, which in a portable unit are usually emitted to the headphones, may be emitted directly to audio input 3 of motor vehicle radio 1, from where the signals may be passed on to the loudspeakers in the motor vehicle.

[0018] The main task of interface emulator 4 is converting the control and status signals of motor vehicle audio device 1 and MP3 player 7. The control and status signals transmitted by motor vehicle audio device 1 via interface 2 are adapted for a CD changer. Interface emulator 4 receives these signals and converts them to a format for MP3 player 7.

The converted control and status signals are then sent by interface emulator 4 via air interface 5, and, using air interface 9, received and executed by MP3 player 7. Conversely, MP3 player 7 sends its status signal via wireless interface 9, which are received by wireless interface 5 of interface emulator 4. Interface emulator 4 converts the status signals of MP3 player 7 to status signals of a CD changer, and transmits those via interface 2 to motor vehicle radio 1. From a signal technology point of view, interface emulator 4 has the effect that the motor vehicle radio communicates with a virtual CD changer.

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What Is Claimed Is:

1. A motor vehicle audio device, including an interface for a CD changer, wherein an interface emulator (4) is connected to the interface (2) for the CD changer, and a player (7) of audio signals stored in compressed form is connected to the interface emulator (4), whereby the interface emulator (4) converts control and status signals coming from the motor vehicle audio device (1) to a format compatible with the player (7), and status signals coming from the player (7) to a format compatible with the CD changer.
2. The motor vehicle audio device as recited in Claim 1, wherein a signal output of the player (7) is directly connected to a signal input (3) of the motor vehicle audio device (1).
3. The motor vehicle audio device as recited in Claim 1 or 2, wherein the interface emulator (4) and the player (7) are developed as separate units, which communicate with one another via at least one interface for wireless connection (5, 9).
4. The motor vehicle audio device as recited in one of the preceding claims, wherein the player (7) is connected to the motor vehicle electrical system (8) via interface emulator (4) or a plug connection.
5. The motor vehicle audio device as recited in one of the preceding claims, wherein means for converting various portable media-playback devices are stored in interface emulator (4), which can optionally be connected to the interface emulator (4).

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(1 Page of Drawings)

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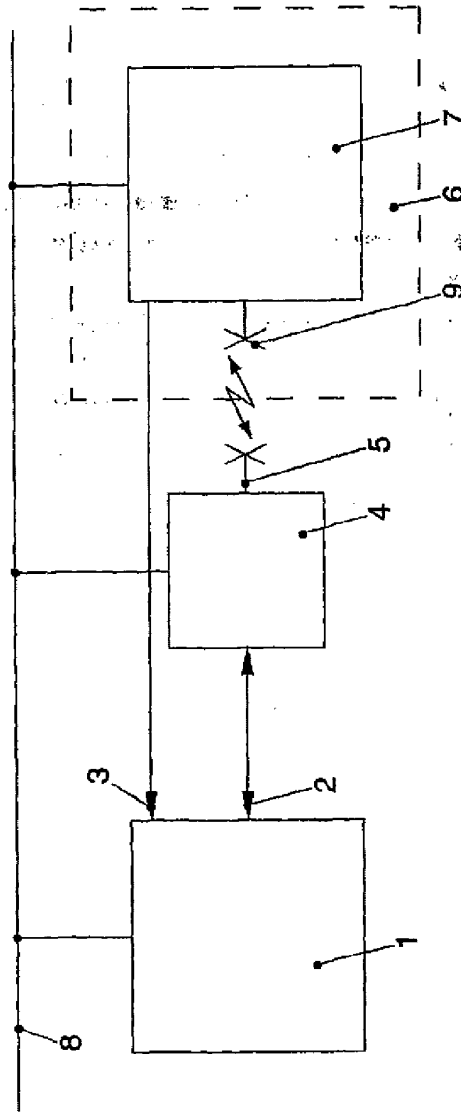


FIG. 1

DECLARATION

I, Robert C. Ferber, declare that I am well qualified as a translator of German to English and that I have carefully reviewed the attached English language translation from the original document,

KRAFTFAHRZEUG-AUDIOGERÄT - German Document DE 101 01 702 A1
VWGOA0008475-VWGOA0008478

(Motor Vehicle Audio Device)

written in German; and that the attached translation is an accurate English version of such original to the best of my knowledge and belief.

I certify under penalty of perjury that the foregoing is true and correct.

Date 9/30/2010

Signature Robert C. Ferber
Name ROBERT C. FERBER



18 BUNDESREPUBLIK
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DEUTSCHES
PATENT- UND
MARKENAMT

12 **Offenlegungsschrift**
10 **DE 101 01 702 A 1**

51 Int. Cl. 7:
B 60 R 11/02
H 05 K 11/02

21 Aktenzeichen: 101 01 702.2
22 Anmeldetag: 15. 1. 2001
43 Offenlegungstag: 18. 7. 2002

DE 101 01 702 A 1

17 Anmelder:
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Cremlingen, DE; Medler, Andreas, 38268 Lengede,
DE

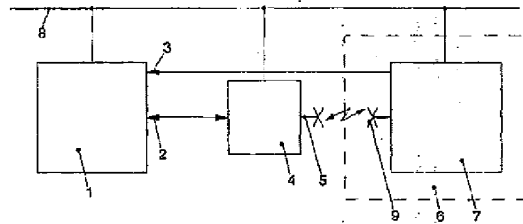
66 Für die Beurteilung der Patentfähigkeit in Betracht
zu ziehende Druckschriften:

DE 199 48 402 A1
DE 199 17 169 A1
EP 09 99 549 A2

Die folgenden Angaben sind den vom Anmelder eingereichten Unterlagen entnommen

54 Kraftfahrzeug-Audiogerät

67 Die Erfindung betrifft ein Kraftfahrzeug-Audiogerät, umfassend eine Schnittstelle für einen CD-Wechsler, wobei an der Schnittstelle (2) für den CD-Wechsler ein Schnittstellen-Emulator (4) und an dem Schnittstellen-Emulator (4) ein Abspielgerät (7) für komprimiert abgespeicherte digitale Audiosignale angeschlossen ist, wobei der Schnittstellen-Emulator (4) vom Kraftfahrzeug-Audiogerät (1) kommende Steuer- und Statussignale in ein für das Abspielgerät kompatibles Format und vom Abspielgerät (7) kommende Statussignale in ein CD-Wechsler kompatibles Format umsetzt.



DE 101 01 702 A 1

Beschreibung

[0001] Die Erfindung betrifft ein Kraftfahrzeug-Audiogerät, umfassend eine Schnittstelle für einen CD-Wechsler gemäß dem Oberbegriff des Patentanspruchs 1.

[0002] Zur Zeit gibt es im wesentlichen mehrere Standards Musik- bzw. Tonsignale komprimiert in digitaler Form zu speichern, zum Beispiel den MP-3-Standard (MPEG-1 Audio Layer 3), den MS-Audio-Standard (WMA) und AAC (Advanced Audio Coding), definiert durch den MPEG-2-Standard. Auf handelsübliche CD-ROMs lassen sich mit Hilfe eines entsprechend ausgestatteten Computers nach diesen Standards codierte und komprimierte Audiosignale speichern und jederzeit wieder abrufen. Aufgrund der Komprimierung kann somit auf eine CD-ROM eine um ein Vielfaches höhere Spielzeit erreicht werden. Zur Wiedergabe sind bereits die verschiedensten tragbaren Abspielgeräte, zum Beispiel MP-3-Player bekannt. Zur Integration eines Abspielgerätes für die komprimiert abgespeicherten Daten in ein Kraftfahrzeug sind bereits verschiedene Vorrichtungen bekannt.

[0003] Aus der DE 299 19 802 U1 ist ein kombiniertes Abspielgerät für digital gespeicherte Musik- bzw. Tonsignale bekannt, wobei mit Hilfe eines Laserstrahls optisch abzutastende Daten der eingelegten CD/CD-ROM mittels eines manuellen Schalters oder automatisch mittels einer Erkennungseinrichtung entweder auf eine Signalverarbeitungsstufe für MP3 oder auf eine Signalverarbeitungsstufe für nicht datenreduzierte Signale geführt werden.

[0004] Aus der EP 0 999 549 A2 ist ein MP3-Player für ein Kraftfahrzeug bekannt, der eine Einrichtung zur Erkennung des Datenformats umfaßt, wobei die Daten einer Audio-CD direkt auf einen Digital-Analog-Wandler und die MP3-Daten auf einen MP3-Dekodierer mit nachgeschaltetem Digital-Analog-Wandler geführt werden. Mittels eines einzigen CD-Abspielgerätes können somit sowohl Audio-CDs als auch MP3-CDs abgespielt werden, so daß auf CD-Wechsler verzichtet werden kann.

[0005] Nachteilig an den bekannten MP3-Player Lösungen ist, daß jeweils die bereits vorhandenen Kraftfahrzeug-Radios ausgetauscht werden müssen. Insbesondere bei hochwertigen Kraftfahrzeug-Radios als Bestandteil von Infotainment-Lösungen ist dies extrem kostspielig. Andererseits bieten die Mehrzahl der vorhandenen Kraftfahrzeug-Radios keine Möglichkeit, Abspielgeräte für die komprimiert abgespeicherten Daten praktikabel zu integrieren.

[0006] Der Erfindung liegt daher das technische Problem zugrunde, ein Kraftfahrzeug-Radio mit einem Abspielgerät für die komprimiert abgespeicherten Daten zu schaffen, wobei bereits vorhandene Kraftfahrzeug-Radios weitgehend nachrüstbar sein sollen.

[0007] Die Lösung des technischen Problems ergibt sich durch den Gegenstand mit den Merkmalen des Patentanspruchs 1. Weitere vorteilhafte Ausgestaltungen der Erfindung ergeben sich aus den Unteransprüchen.

[0008] Hierzu wird an die Schnittstelle für den CD-Wechsler des Kraftfahrzeug-Radios ein Schnittstellen-Emulator und an den Schnittstellen-Emulator ein Abspielgerät für die nach einem der Standards komprimiert abgespeicherten Audiodaten angeschlossen, wobei der Schnittstellen-Emulator vom Kraftfahrzeug-Radio kommende Steuer- und Statussignale in ein für das Abspielgerät kompatibles Format und vom Abspielgerät kommende Statussignale in ein CD-Wechsler kompatibles Format umsetzt.

[0009] In einer weiteren bevorzugten Ausführungsform wird der Ausgang des Abspielgerätes für die komprimiert abgespeicherten digitalen Audiosignale direkt mit einem Eingang des Kraftfahrzeug-Audiogerätes verbunden, wobei

die digitalen Audiosignale dann im Abspielgerät vor der Weitergabe an das Kraftfahrzeug Audiogerät in analoge Audiosignale umgewandelt werden.

[0010] Prinzipiell kann der Schnittstellen-Emulator in das Abspielgerät für komprimiert abgespeicherte Audiosignale integriert werden. Dies ist von Vorteil, wenn die Konfiguration sich nicht ändert. Jedoch sind dann die vorhandenen Abspielgeräte zu modifizieren.

[0011] In einer weiteren bevorzugten Ausführungsform sind daher der Schnittstellen-Emulator und das Abspielgerät für die komprimiert abgespeicherten digitalen Audiosignale als separate Einheiten ausgebildet. Dabei ist vorzugsweise dem Abspielgerät und dem Schnittstellen-Emulator jeweils eine Schnittstelle, insbesondere eine Schnittstelle zur drahtlosen Datenübertragung zugeordnet, über die die Steuer- und Statussignale übertragbar sind.

[0012] In einer weiteren bevorzugten Ausführungsform ist das Abspielgerät für die komprimiert abgespeicherten digitalen Audiosignale über den Schnittstellen-Emulator oder eine Steckverbindung mit dem Kraftfahrzeug-Bordnetz verbunden. Handelt es sich bei dem Abspielgerät um ein tragbares Gerät, so kann vorgesehen sein, daß in den Betriebsphasen im Kraftfahrzeug die Akkumulatoren aufgeladen werden.

[0013] In einer weiteren bevorzugten Ausführungsform sind in dem Schnittstellen-Emulator Mittel zur Konvertierung verschiedener tragbarer Medienwiedergabegeräte abgelegt, die wahlweise mit dem Schnittstellen-Emulator verbindbar sind.

[0014] Die Erfindung wird nachfolgend anhand eines bevorzugten Ausführungsbeispiels näher erläutert. Die einzige Figur zeigt ein schematisches Blockschaltbild eines Kraftfahrzeug-Audiogerätes mit MP3-Player.

[0015] Das Kraftfahrzeug-Audiogerät 1 umfaßt eine Schnittstelle 2 für einen CD-Wechsler und einen Audioeingang 3 für CD-Daten. Über die Schnittstelle 2 ist das Kraftfahrzeug-Audiogerät 1 mit einem Schnittstellen-Emulator 4 verbunden. Der Schnittstellen-Emulator 4 ist des weiteren mit einer Luftschnittstelle 5 ausgebildet. Über die Luftschnittstelle 5 kann der Schnittstellen-Emulator 4 mit einem in einer Aufnahmeeinheit 6 angeordneten MP3-Player 7 kommunizieren. Die MP3-Daten können dabei entweder in einem Speichermedium abgelegt oder online zur Verfügung gestellt werden.

[0016] Die Aufnahmeeinheit 6 umfaßt nicht dargestellte mechanische Verbindungsmittel und elektrische Steckverbindungen, über die der MP3-Player mit einem Kraftfahrzeug-Bordnetz 8 und dem Audioeingang 3 des Kraftfahrzeug-Radios 1 verbindbar ist. Weiter ist der MP3-Player 7 mit einer Luftschnittstelle 9 ausgebildet. Der MP3-Player 7 ist lösbar in der Aufnahmeeinheit 6 angeordnet, so daß beispielsweise tragbare MP3-Player 7 auch nur temporär dem Kraftfahrzeug-Audiogerät 1 zuordenbar sind.

[0017] Wird nun ein derartiger tragbarer MP3-Player 7 in der Aufnahmeeinheit angeordnet, so wird dieser über das Kraftfahrzeug-Bordnetz 8 mit Spannung versorgt und gleichzeitig die nicht dargestellten Akkumulatoren aufgeladen. Die Ausgangssignale des MP3-Player 7, die bei einem tragbaren Gerät üblicherweise auf die Kopfhörer ausgegeben werden, können direkt auf Audioeingang 3 des Kraftfahrzeug-Radios 1 ausgegeben werden, von wo aus diese an die Lautsprecher im Kraftfahrzeug weitergeleitet werden können.

[0018] Die Hauptaufgabe des Schnittstellen-Emulators 4 ist die Konvertierung der Steuer- und Statussignale von dem Kraftfahrzeug-Audiogerät 1 und dem MP3-Player 7. Die von dem Kraftfahrzeug-Audiogerät 1 über die Schnittstelle 2 übertragenen Steuer- und Statussignale sind auf einen CD-

Wechsler abgestimmt. Der Schnittstellen-Emulator 4 empfängt diese Signale und konvertiert diese in ein Format für den MP3-Player 7. Die konvertierten Steuer- und Statussignale werden dann von dem Schnittstellen-Emulator 4 über die Luftschnittstelle 5 gesendet und mittels der Luftschnittstelle 9 vom MP3-Player 7 empfangen und ausgeführt. Umgekehrt sendet der MP3-Player 7 seine Statussignale über die Luftschnittstelle 9, die von der Luftschnittstelle 5 des Schnittstellen-Emulators 4 empfangen werden. Der Schnittstellen-Emulator 4 konvertiert die Statussignale des MP3-Players 7 in Statussignale eines CD-Wechslers und überträgt diese über die Schnittstelle 2 an das Kraftfahrzeug-Radio 1. Signaltechnisch bewirkt der Schnittstellen-Emulator 4, daß das Kraftfahrzeug-Radio mit einem virtuellen CD-Wechsler kommuniziert.

Patentansprüche

1. Kraftfahrzeug-Audiogerät, umfassend eine Schnittstelle für einen CD-Wechsler, **dadurch gekennzeichnet**, daß an der Schnittstelle (2) für den CD-Wechsler ein Schnittstellen-Emulator (4) und an dem Schnittstellen-Emulator (4) ein Abspielgerät (7) für komprimiert abgespeicherte Audiosignale angeschlossen ist, wobei der Schnittstellen-Emulator (4) vom Kraftfahrzeug-Audiogerät (1) kommende Steuer- und Statussignale in ein für das Abspielgerät (7) kompatibles Format und vom Abspielgerät (7) kommende Statussignale in ein CD-Wechsler kompatibles Format umsetzt.
2. Kraftfahrzeug Audiogerät nach Anspruch 1, dadurch gekennzeichnet, daß ein Signalausgang des Abspielgerätes (7) direkt mit einem Signaleingang (3) des Kraftfahrzeug-Audiogerätes (1) verbunden ist.
3. Kraftfahrzeug-Audiogerät nach Anspruch 1 oder 2, dadurch gekennzeichnet, daß der Schnittstellen-Emulator (4) und Abspielgerät (7) als separate Einheiten ausgebildet sind, die über mindestens eine Schnittstelle zur drahtlosen Verbindung (5, 9) miteinander kommunizieren.
4. Kraftfahrzeug-Audiogerät nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß über den Schnittstellen-Emulator (4) oder eine Steckverbindung Abspielgerät (7) mit dem Kraftfahrzeug-Bordnetz (8) verbunden ist.
5. Kraftfahrzeug-Audiogerät nach einem der vorangehenden Ansprüche, dadurch gekennzeichnet, daß im Schnittstellen-Emulator (4) Mittel zur Konvertierung verschiedener tragbarer Medienwiedergabegeräte abgelegt sind, die wahlweise mit dem Schnittstellen-Emulator (4) verbindbar sind.

Hierzu 1 Seite(n) Zeichnungen

55

60

65

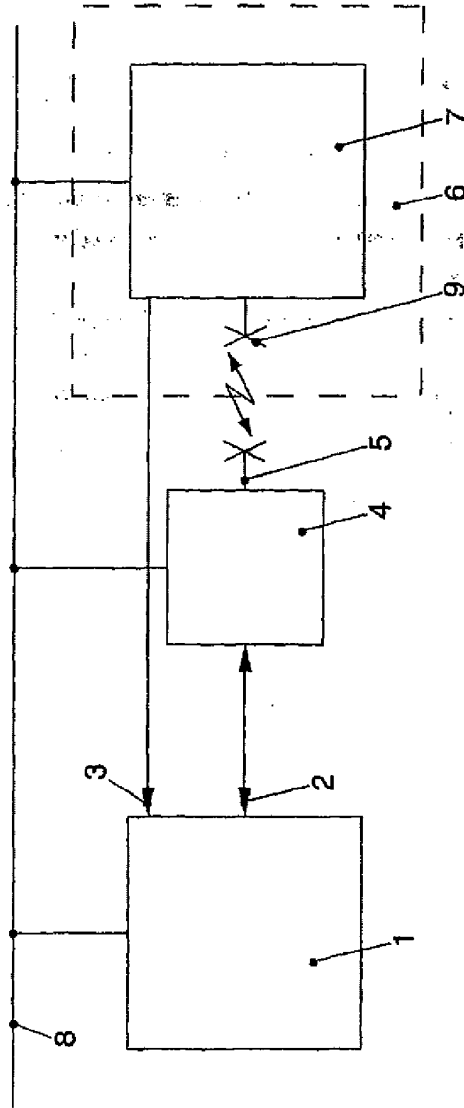


FIG. 1

Exhibit M-1

Electronic Patent Application Fee Transmittal

Application Number:	12495190				
Filing Date:	30-Jun-2009				
Title of Invention:	METHOD FOR CONTENT DELIVERY				
First Named Inventor/Applicant Name:	Russell W. White				
Filer:	Mark J. Rozman/Stephanie Petreas				
Attorney Docket Number:	AFF.0004C7US				
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:	9580786
Application Number:	12495190
International Application Number:	
Confirmation Number:	2380
Title of Invention:	METHOD FOR CONTENT DELIVERY
First Named Inventor/Applicant Name:	Russell W. White
Customer Number:	21906
Filer:	Mark J. Rozman/Stephanie Petreas
Filer Authorized By:	Mark J. Rozman
Attorney Docket Number:	AFF.0004C7US
Receipt Date:	03-MAR-2011
Filing Date:	30-JUN-2009
Time Stamp:	16:02:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$180
RAM confirmation Number	2448
Deposit Account	201504
Authorized User	

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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment after Notice of Allowance (Rule 312)	AFF004C7US312Amendment.pdf	47701 c314b8c43b99c19c6d3f06b2d08163d8d92ba021	no	3
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Filed (SB/08)	AFF004C7IDSOfFileafterNOAToFile.pdf	42258 d78112ac5b60d35623ee2ff586ff19a85d42f451	no	5
Warnings:					
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3	Foreign Reference	DE10101702A1.pdf	278088 ba680f6917517b0004429e166c0558ca3a00e2f	no	10
Warnings:					
Information:					
4	NPL Documents	CommentsOfRequesterAndExhibits01.pdf	12249090 1971257cbca6e09a973f3ba7b23d5cb1c05e107d	no	476
Warnings:					
Information:					
5	NPL Documents	CommentsOfRequesterAndExhibits02ToFile.pdf	13432373 acb36c069635a80ffb344db50d91fede207a7b50	no	468
Warnings:					
Information:					
6	NPL Documents	CommentsOfRequesterAndExhibits03.pdf	12868825 06f6485c3ceb9e3b7486650148fe8914f1d0593e	no	258
Warnings:					
Information:					
7	NPL Documents	DeclarationOfDrDewaynePerry.pdf	14242266 8565e02ae5f4d6996f213b7d0ad24f5897c3b963	no	428
Warnings:					
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8	NPL Documents	DeclarationOfScottAndrews01.pdf	3988521 7838ad49bdd01d2a87c3cce8ac81ef07a212ccb5	no	110
Warnings:					
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9	NPL Documents	DeclarationOfScottAndrews02.pdf	4014341 289199d92be3fad19d72b37d32fa90379fc67ac0	no	114
Warnings:					
Information:					
10	NPL Documents	GSMver601.pdf	2301243 7a3f489bd0b22dfd285f7b6777694dfe7bd8562e	no	42
Warnings:					
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11	NPL Documents	HandbookForTheWorkPadC3P CCompanion.pdf	4730581 3b0d304128a566aa941390a481c60ab71bfdfeb3	no	248
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Warnings:					
Information:					
Total Files Size (in bytes):				68442230	
<p>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.</p> <p><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.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> 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.</p> <p><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.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Russell W. White et al.	§	Group Art Unit:	2617
		§		
Serial No.:	12/495,190	§		
		§	Examiner:	Erika A. Gary
Filed:	June 30, 2009	§		
		§		
For:	Method for Content Delivery	§	Atty. Dkt. No.:	AFF.0004C7US
		§		

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.312

Sir:

Please amend the above-referenced patent application as follows.

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

Date of Deposit: <u>March 3, 2011</u> I hereby certify under 37 CFR § 1.8 this correspondence is being deposited via EFS on the date indicated above. <u>/Stephanie Petreas/</u> Stephanie Petreas
--

Amendments to the Specification:

Please replace paragraph beginning on page 2, paragraph 1 with the following amended paragraph:

This application is a continuation of U.S. Patent Application No. 12/015,320, filed January 16, 2008, which is now U.S. Patent No. 7,778,595, which issued on August 17, 2010 entitled "Method for Managing Media," which is a continuation of U.S. Patent Application No. 10/947,755, filed on September 23, 2004, which is now U.S. Patent No. 7,324,833, which issued on January 29, 2008, which is a continuation of U.S. Patent Application No. 09/537,812, filed on March 28, 2000, which is now U.S. Patent No. 7,187,947, which issued on March 6, 2007, the disclosures of which are all hereby incorporated herein by reference in their entirety for all purposes.

REMARKS/ARGUMENTS

The above amendment to the Specification updates the priority claim to include the application serial numbers and filing dates.

Applicants respectfully submit that the priority claim including serial numbers was included with the present application as filed, as the Transmittal Letter filed with the application included such information. Further the U.S. Patent and Trademark Office has correctly identified the priority in the Filing Receipt received, which indicates priority to U.S. Patent Application No. 12/015,320, filed January 16, 2008, U.S. Patent Application No. 10/947,755, filed September 23, 2004 and U.S. Patent Application No. 09/537,812, filed March 28, 2000.

Thus it is respectfully submitted that no petition is needed for the above amendment, per M.P.E.P. §201.11V (“...*the Office will not require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt.*”), and per this section of the M.P.E.P., the Specification is amended above.

Also provided herewith is an Information Disclosure Statement that includes various comments filed by third party Requesters (on December 20, 2010 and February 11, 2011) in pending reexaminations of patents related to the present application, and documents in connection with these comments. It is respectfully requested that the Examiner consider these documents.

In view of these remarks, the application is now in condition for allowance and the Examiner’s prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

Date: March 3, 2011

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Customer No.: 21906



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21906 7590 02/22/2011
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER

GARY, ERIKA A

ART UNIT PAPER NUMBER

2617

DATE MAILED: 02/22/2011

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

12/495,190 06/30/2009 Russell W. White AFF.0004C7US 2380

TITLE OF INVENTION: METHOD FOR CONTENT DELIVERY

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

nonprovisional NO \$1510 \$300 \$0 \$1810 05/23/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. 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 THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. 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.

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If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE 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.

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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.

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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 have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/495,190	06/30/2009	Russell W. White	AFF.0004C7US	2380

TITLE OF INVENTION: METHOD FOR CONTENT DELIVERY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/23/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
GARY, ERIKA A	2617	455-410000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(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. _____ 2</p> <p>_____ 3</p>
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/495,190, 06/30/2009, Russell W. White, AFF.0004C7US, 2380

21906 7590 02/22/2011
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER

GARY, ERIKA A

ART UNIT PAPER NUMBER

2617

DATE MAILED: 02/22/2011

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 0 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 0 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.

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.

Notice of Allowability	Application No.	Applicant(s)	
	12/495,190	WHITE ET AL.	
	Examiner	Art Unit	
	Erika A. Gary	2617	

-- 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 initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 1/18/11.
2. The allowed claim(s) is/are 19, 21-33, 36-41.
3. 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. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

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.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.


4. 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.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (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 each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|


/Erika A. Gary/
 Primary Examiner, Art Unit 2617

Issue Classification 	Application/Control No. 12495190	Applicant(s)/Patent Under Reexamination WHITE ET AL.
	Examiner Erika A Gary	Art Unit 2617

ORIGINAL						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
455			410			H	O	4	M	1 / 00 (2006.01.01)										
CROSS REFERENCE(S)																				
CLASS		SUBCLASS (ONE SUBCLASS PER BLOCK)																		
455	556.1	557																		

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17		33										
	2		18		34										
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	15		31												
	16		32												

NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/Erika A Gary/ Primary Examiner. Art Unit 2617	2/17/11	1	1
(Primary Examiner)	(Date)		

Search Notes 	Application/Control No. 12495190	Applicant(s)/Patent Under Reexamination WHITE ET AL.
	Examiner Erika A Gary	Art Unit 2617

SEARCHED			
Class	Subclass	Date	Examiner
	see EAST search attached	9/14/10	EAG
	see EAST search attached	2/17/11	EAG

SEARCH NOTES		
Search Notes	Date	Examiner
see EAST search attached	9/14/10	EAG
see EAST search attached	2/17/11	EAG

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
	see EAST search attached	2/17/11	EAG

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	163	("20010042107" "20020023028" "20020046084" "20030008646" "20030126335" "20030126335" "20040078274" "20050010633" "4807292" "4802492" "5450471" "5539658" "5572442" "5586090" "5587560" "5589090" "5594779" "5694120" "5721827" "5732494" "5737706" "5774793" "5797089" "5852775" "5867494" "5870680" "5889852" "5900564" "5940767" "5953005" "5953657" "5953659" "5956651" "5963916" "5974333" "5991640" "5999525" "5539658" "6007228" "6009363" "6014569" "6023232" "6029064" "6061306" "6088730" "6091067" "6122403" "6144848" "6151634" "6157619" "6160551" "6167253" "6177950" "6192340" "6199076" "6232539" "6233430" "6236832" "6240297" "6247130" "6248946"	US- PGPUB; USPAT	ADJ	ON	2011/02/17 12:16

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EAST Search History (I nterference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	0	((((multimedia or mp3 or music or media adj player or audio adj file or audio aj stream) with (receiv\$3 or receiver or radio or stereo or sound adj system) with (broadcast\$3 or transmit\$4)) and (recharg\$5) and (local adj broadcast or radio adj station) and ((telephone or phone or incoming) adj call) and physical adj interface).clm.	USPAT; UPAD	OR	ON	2011/02/17 13:02

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L4	0	((multimedia or mp3 or music or media adj player or audio adj file or audio aj stream) with (receiv\$3 or receiver or radio or stereo or sound adj system) with (broadcast\$3 or transmit\$4)) and (recharg\$5) and (local adj broadcast or radio adj station) and ((telephone or phone or incoming) adj call) and interface).clm.	USPAT; UPAD	OR	ON	2011/02/17 13:02
L5	0	((multimedia or mp3 or music or media adj player or audio adj file or audio aj stream) with (receiv\$3 or receiver or radio or stereo or sound adj system) with (broadcast\$3 or transmit\$4)) and (recharg\$5) and (local adj broadcast or radio adj station)	USPAT; UPAD	OR	ON	2011/02/17 13:02

		and ((telephone or phone or incoming) adj call) and (port or interface or jack)). clm.				
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L8	1	((multimedia or mp3 or music or media adj player or audio adj file or audio aj stream) with (broadcast\$3 or transmit\$4)) and (local adj broadcast or radio adj station) and ((telephone or phone or incoming) adj2 call) and (port or interface or jack)). clm.	USPAT; UPAD	OR	ON	2011/02/17 13:03

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Receipt date: 01/18/2011

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12495190
	Filing Date		2009-06-30
	First Named Inventor	Russell W. White, et al.	
	Art Unit		2617
	Examiner Name	Erika A. Gary	
	Attorney Docket Number		AFF.004C7US

U.S.PATENTS						
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	7149543		2006-12-12	Kumar II	
	2	7321783		2008-01-22	Kim	
	3	5991640		1999-11-23	Lilja	
	4	6823255		2004-11-23	Sass	
	5	6259892		2001-07-10	Helferich	
	6	5914941		1999-07-22	Janky	
	7	6487663		2002-11-26	Jaisimha	
	8	6658247		2003-12-02	Saito	

Receipt date: 01/18/2011

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	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

	9	6007228		1999-12-28	Agarwal	
	10	5341350		1994-08-23	Frank	

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U.S. PATENT APPLICATION PUBLICATIONS

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	20020010759		2002-01-24	Hitson	
	2	20020164973		2002-11-07	Janik	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	EP 0744839	EP		1996-11-27	Grewe		<input type="checkbox"/>
	2	H08-6875	JP		1996-01-12	Taishinji		<input checked="" type="checkbox"/>
	3	H11-288558	JP		1999-10-19	Menju		<input checked="" type="checkbox"/>

Receipt date: 01/18/2011

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	Filing Date		2009-06-30	
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	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

4	H11-164058	JP		1999-06-18	Sato	<input checked="" type="checkbox"/>
5	H08-252976	JP		1998-04-14	Tanaka	<input checked="" type="checkbox"/>
6	WO 2000/54462	WO		2000-09-14	Bae	<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

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.	T ⁵
	1	Affinity Labs of Texas, LLC, v. BMW North America, LLC, et al., Civil Action No. 9:08CV164, Order Denying Defendant's Motion For Summary Judgment of Non-Infringement of the '833 Patent, filed October 07, 2010, pages 1 - 5.	<input type="checkbox"/>
	2	Affinity Labs of Texas, LLC, v. Hyundai Motor America, Inc.; Hyundai Motor Manufacturing Alabama LLC.; Volkswagen Group of America, Inc.; and Kia Motors America, Inc., Civil Action No. 9:08CV164, Jury Verdict Form, filed October 28, 2010, pages 1 - 16.	<input type="checkbox"/>
	3	Affinity Labs of Texas, LLC, vs. BMW North America, LLC, et al., Docket 9:08CV164, October 27, 2010, Volume 8 of ___, Pages 2100 Through 2633, Reporter's Transcript of Jury Trial, pages 1 - 88.	<input type="checkbox"/>
	4	Affinity Labs of Texas, LLC, vs. BMW North America, LLC, et al., Docket 9:08CV164, October 28, 2010, Volume 9 of 9, Pages 2634 Through 2824, Reporter's Transcript of Jury Trial, pages 1 - 19.	<input type="checkbox"/>
	5	Affinity Labs of Texas, LLC, Plaintiff and Counter-Claim Defendant, vs. Apple Inc., Defendant and Counter-Claim Plaintiff, Case No. 09-4436-CW, Apple Inc.'s First Invalidity Contentions Pursuant To Patent Local Rule 3-3, filed January 5, 2011, pages 1-25, with accompanying Appendixes A-G.	<input type="checkbox"/>

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	Filing Date	2009-06-30
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C7US

EXAMINER SIGNATURE			
Examiner Signature	/Erika Gary/ (02/17/2011)	Date Considered	02/17/2011
*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.			
<small>¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV 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.</small>			

Receipt date: 01/18/2011

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Doc description: Information Disclosure Statement (IDS) Filed

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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

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	2	7321783		2008-01-22	Kim	
	3	5991640		1999-11-23	Lilja	
	4	6823255		2004-11-23	Sass	
	5	6259892		2001-07-10	Helferich	
	6	5914941		1999-07-22	Janky	
	7	6487663		2002-11-26	Jaisimha	
	8	6658247		2003-12-02	Saito	

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	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

	9	6007228		1999-12-28	Agarwal	
	10	5341350		1994-08-23	Frank	

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U.S. PATENT APPLICATION PUBLICATIONS

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	20020010759		2002-01-24	Hitson	
	2	20020164973		2002-11-07	Janik	

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	1	EP 0744839	EP		1996-11-27	Grewe		<input type="checkbox"/>
	2	H08-6875	JP		1996-01-12	Taishinji		<input checked="" type="checkbox"/>
	3	H11-288558	JP		1999-10-19	Menju		<input checked="" type="checkbox"/>

Receipt date: 01/18/2011

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12495190	
	Filing Date		2009-06-30	
	First Named Inventor	Russell W. White, et al.		
	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

4	H11-164058	JP		1999-06-18	Sato	<input checked="" type="checkbox"/>
5	H08-252976	JP		1998-04-14	Tanaka	<input checked="" type="checkbox"/>
6	WO 2000/54462	WO		2000-09-14	Bae	<input type="checkbox"/>

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	1	Affinity Labs of Texas, LLC, v. BMW North America, LLC, et al., Civil Action No. 9:08CV164, Order Denying Defendant's Motion For Summary Judgment of Non-Infringement of the '833 Patent, filed October 07, 2010, pages 1 - 5.	<input type="checkbox"/>
	2	Affinity Labs of Texas, LLC, v. Hyundai Motor America, Inc.; Hyundai Motor Manufacturing Alabama LLC.; Volkswagen Group of America, Inc.; and Kia Motors America, Inc., Civil Action No. 9:08CV164, Jury Verdict Form, filed October 28, 2010, pages 1 - 16.	<input type="checkbox"/>
	3	Affinity Labs of Texas, LLC, vs. BMW North America, LLC, et al., Docket 9:08CV164, October 27, 2010, Volume 8 of ___, Pages 2100 Through 2633, Reporter's Transcript of Jury Trial, pages 1 - 88.	<input type="checkbox"/>
	4	Affinity Labs of Texas, LLC, vs. BMW North America, LLC, et al., Docket 9:08CV164, October 28, 2010, Volume 9 of 9, Pages 2634 Through 2824, Reporter's Transcript of Jury Trial, pages 1 - 19.	<input type="checkbox"/>
	5	Affinity Labs of Texas, LLC, Plaintiff and Counter-Claim Defendant, vs. Apple Inc., Defendant and Counter-Claim Plaintiff, Case No. 09-4436-CW, Apple Inc.'s First Invalidity Contentions Pursuant To Patent Local Rule 3-3, filed January 5, 2011, pages 1-25, with accompanying Appendixes A-G.	<input type="checkbox"/>

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Doc description: Information Disclosure Statement (IDS) Filed

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	2	5572442		1996-11-05	Schulhof	
	3	6338044		2002-01-08	Cook	
	4	5797089		1998-08-18	Nguyen	
	5	6330247		2001-12-11	Chang	
	6	5737706		1998-04-07	Seazholtz	

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	1	20010042107		2001-11-15	Palm	
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	1	EP 984584	EP		2000-08-03	Lippert		<input type="checkbox"/>

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	1	Sony Corporation, Sony Portable MiniDisc Recorder MZ-R90/MZ-R91 Operating Instructions, Doc. No. 3-867-571-22(1), 1999, pp. 1-55.	<input type="checkbox"/>
	2	Empeg Car User Guide, 1999, pp. 1-19.	<input type="checkbox"/>
	3	Empeg Car User Guide (2000) pp. 1-48	<input type="checkbox"/>
	4	Crowe, Mike. Empeg Car Beta 10a, March 25, 2000, 3 pages.	<input type="checkbox"/>
	5	Emplode Help, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 25 pages.	<input type="checkbox"/>

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11	riocar.org – Empeg Car History, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 4 pages.	<input type="checkbox"/>
12	"Visteon: For Your Listening Pleasure - Any Music, Any Time, Anywhere," Presswire, Jan. 5, 2000, 1 page.	<input type="checkbox"/>
13	Photographs in email to Hugo Fiennes, Sept. 22, 1999, 4 pages.	<input type="checkbox"/>
14	HP Jornada 420 User's Manual, 1999, pp. 1-142.	<input type="checkbox"/>
15	IEEE Standard 802.11b, 1999 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications: Higher-Speed Physical Layer Extension in the 2.4 GHz Band) Sep. 16, 1999, 96 pages.	<input type="checkbox"/>
16	RealPlayer Plus G2 Manual, 1999, pp. 1-81.	<input type="checkbox"/>

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19	Bill Mann, "I Want My MP3! How to Download, Rip, & Play Digital Music," McGraw-Hill 2000, 175 pages.	<input type="checkbox"/>
20	IEEE Standard 802.11, 1997 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications), 1997, pp. 1-145.	<input type="checkbox"/>
21	IEEE Standard 802.3ab, 1999 Edition (802.3 Physical Layer Specification for 1000 Mb/s Operation on Four Pairs of Category 5 or Better Balanced Twisted Pair Cable (1000BASE-T) 1999, 140 pages.	<input type="checkbox"/>
22	IBM Wireless Modem for Cellular/CDPD - Quick Reference, Oct. 1995, pp. 1-20.	<input type="checkbox"/>
23	Creative Sound Blaster Live! Platinum product, documentation, and software: Creative Technology Ltd., Creative Sound Blaster Live! Platinum Getting Started, Sept. 1999, 93 pages.	<input type="checkbox"/>
24	psa[play Getting Started Guide, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), pp. 1-16.	<input type="checkbox"/>
25	psa[play Getting Started Guide, 2000, pp. 1-16.	<input type="checkbox"/>
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28	Rio 600 Getting Started Guide, 2001, pp. 1-169.	<input type="checkbox"/>
29	Rio 600 User Guide, March 2001, pp 1-38.	<input type="checkbox"/>

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	1	EP 984584	EP		2000-08-03	Lippert		<input type="checkbox"/>

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15	IEEE Standard 802.11b, 1999 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications: Higher-Speed Physical Layer Extension in the 2.4 GHz Band) Sep. 16, 1999, 96 pages.	<input type="checkbox"/>
16	RealPlayer Plus G2 Manual, 1999, pp. 1-81.	<input type="checkbox"/>

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17	IEEE Standard 802.11a, 1999 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications: High-Speed Physical Layer in the 5GHz Band), 1999, 91 pages.	<input type="checkbox"/>
18	Rod Underhill & Nat Gertler, "The Complete Idiot's Guide to MP3: Music on the Internet," 1999, 44 pages.	<input type="checkbox"/>
19	Bill Mann, "I Want My MP3! How to Download, Rip, & Play Digital Music," McGraw-Hill 2000, 175 pages.	<input type="checkbox"/>
20	IEEE Standard 802.11, 1997 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications), 1997, pp. 1-145.	<input type="checkbox"/>
21		<input type="checkbox"/>
22	IBM Wireless Modem for Cellular/CDPD - Quick Reference, Oct. 1995, pp. 1-20.	<input type="checkbox"/>
23	Creative Sound Blaster Live! Platinum product, documentation, and software: Creative Technology Ltd., Creative Sound Blaster Live! Platinum Getting Started, Sept. 1999, 93 pages.	<input type="checkbox"/>
24	psa[play Getting Started Guide, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), pp. 1-16.	<input type="checkbox"/>
25	psa[play Getting Started Guide, 2000, pp. 1-16.	<input type="checkbox"/>
26	Rio 800 User Guide, 2001, pp. 1-38.	<input type="checkbox"/>
27	Rio 800 Digital Audio Player—Getting Started, 2000, pp. 1-19.	<input type="checkbox"/>

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28	Rio 600 Getting Started Guide, 2001, pp. 1-169.	<input type="checkbox"/>
29	Rio 600 User Guide, March 2001, pp 1-38.	<input type="checkbox"/>

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2	"Visteon's Mobile Office Solutions Give Busy Commuters More of What They Need - Time," Canada Newswire, Sept. 15, 1999, 3 pages.	<input type="checkbox"/>
3	Hiatt, "RIAA Sues Napster, Claiming 'Music Piracy'," MTV News, Dec. 8, 1999, 3 pages.	<input type="checkbox"/>
4	Sony VAIO Notebook Computer User Guide PCG-731/PCG-735, 1998, pp. 1-131.	<input type="checkbox"/>
5	Sony VAIO Notebook Computer User Guide PCG-812, 1998, pp. 1-144.	<input type="checkbox"/>
6	Sony VAIO Notebook Computer User Guide PCG-838, 1999, pp. 1-121.	<input type="checkbox"/>
7	Sony Service Manual PCG-731/735/737, 1997, pp. 1-22.	<input type="checkbox"/>
8	Sony Service Manual PCG-723/729, 1998, pp. 1-22.	<input type="checkbox"/>
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13	MP3.com prospectus, Jul. 21, 1999, pp. 1 - 81.	<input type="checkbox"/>
14	Ana Orubeondo, "Trim AirCard 300 Eases Power Demands," InfoWorld, Volume 21, Issue 48. Nov. 29, 1999. pg 46 & 50.	<input type="checkbox"/>
15	"Net Music Firms to Tap Public Market," Billboard. Jul. 17, 1999. pp. 1 - 2.	<input type="checkbox"/>
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20	Qualcomm QCP-1960 User Manual. Apr. 1999, pp. 1 - 76.	<input type="checkbox"/>
21	Samsung SCH-3500 User Manual. 1999, pp. 1 - 108.	<input type="checkbox"/>
22	Motorola Digital StarTAC User Guide. Mar. 1999, pp. 1 - 118.	<input type="checkbox"/>

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35	EMusic.com prospectus, Sept. 24, 1999, pp. 1 - 61, F1 - F41.	<input type="checkbox"/>
36	"Logging On; Setting Sound Free From the CD," The Washington Post, Mar. 3, 2000, pp. 1-3.	<input type="checkbox"/>
37	"Music Factory; Retailers Struggle to Expand Listening Options Online," Contra Costa Times Mar. 19, 2000, pp. 1- 2.	<input type="checkbox"/>
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39	Myplay.com Launches Today, PR Newswire. Oct. 13, 1999, pp. 1-2.	<input type="checkbox"/>
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42	TIA/EIA Interim Standard, Cellular Digital Packet Data, System Specification - Part 403, Mobile Data Link Protocol, Telecommunications Industry Association. Dec. 1997, 83 pages.	<input type="checkbox"/>
43	"The Listen Up Player from Audio Highway" 1996. 1 page.	<input type="checkbox"/>
44	"Audio Highway Announces The Listen Up Player," Audio Highway Press Release, Sept. 23, 1996, 2 pages.	<input type="checkbox"/>

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46	Menta, "RIAA Sues Music Startup Napster for \$20 Billion" Newswire, Jan. 11, 2000, 4 pages.	<input type="checkbox"/>
47	Boehrlart, "Artists to Napster: Drop Dead" Salon.com, Mar. 24, 2000. 3 pages.	<input type="checkbox"/>

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Receipt date: 01/27/2011 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12495190
	Filing Date	2009-06-30
	First Named Inventor	Russell W. White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C7US

1	The Rio 500 Getting Started Guide, 1999, pp. 1-2.	<input type="checkbox"/>
2	"Visteon's Mobile Office Solutions Give Busy Commuters More of What They Need - Time," Canada Newswire, Sept. 15, 1999, 3 pages.	<input type="checkbox"/>
3	Hiatt, "RIAA Sues Napster, Claiming 'Music Piracy'," MTV News, Dec. 8, 1999, 3 pages.	<input type="checkbox"/>
4	Sony VAIO Notebook Computer User Guide PCG-731/PCG-735, 1998, pp. 1-131.	<input type="checkbox"/>
5	Sony VAIO Notebook Computer User Guide PCG-812, 1998, pp. 1-144.	<input type="checkbox"/>
6	Sony VAIO Notebook Computer User Guide PCG-838, 1999, pp. 1-121.	<input type="checkbox"/>
7	Sony Service Manual PCG-731/735/737, 1997, pp. 1-22.	<input type="checkbox"/>
8	Sony Service Manual PCG-723/729, 1998, pp. 1-22.	<input type="checkbox"/>
9		<input type="checkbox"/>
10	Sony Service Manual PCG-812/818, 1998, pp. 1 - 22.	<input type="checkbox"/>
11	Sony Service Manual PCG-838, 1999, pp. 1 - 22.	<input type="checkbox"/>

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12	"Digital Download Provider Musicmaker.com Partners With Download Directory Listen.com; Offers Nearly 100,000 Downloadable Tracks Via the Online Directory," PR Newswire, Sept. 15, 1999, pp. 1-3.	<input type="checkbox"/>
13	MP3.com prospectus, Jul. 21, 1999, pp. 1 - 81.	<input type="checkbox"/>
14	Ana Orubeondo, "Trim AirCard 300 Eases Power Demands," InfoWorld, Volume 21, Issue 48. Nov. 29, 1999. pg 46 & 50.	<input type="checkbox"/>
15	"Net Music Firms to Tap Public Market," Billboard. Jul. 17, 1999. pp. 1 - 2.	<input type="checkbox"/>
16	"Cellular for Notebook PCs." CIO Vo.. 13, No. 1. Oct. 1, 1999, pg. 90.	<input type="checkbox"/>
17	"Briefs," Network World. Volume 16, no. 24. Aug. 23, 1999, pg. 27.	<input type="checkbox"/>
18	The MusicMatch.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 32 pages.	<input type="checkbox"/>
19	The MusicMaker.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 10 pages.	<input type="checkbox"/>
20	Qualcomm QCP-1960 User Manual. Apr. 1999, pp. 1 - 76.	<input type="checkbox"/>
21	Samsung SCH-3500 User Manual. 1999, pp. 1 - 108.	<input type="checkbox"/>
22	Motorola Digital StarTAC User Guide. Mar. 1999, pp. 1 - 118.	<input type="checkbox"/>

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23	Nokia 9110 Quick Guide/Accessories Guide. 1999, pp. 1-31.	<input type="checkbox"/>
24	"MP3.com and i-drive.com Join Forces to Store and Manage MP3 Files," Business Wire, Oct. 7, 1999, pp. 1-3.	<input type="checkbox"/>
25	Nomad User Guide, Jun. 1999, pp. 1-34.	<input type="checkbox"/>
26	Nomad II Getting Started Manual, Jan. 2000, pp. 1 - 38.	<input type="checkbox"/>
27	GSM 03.64 version 6.2.0 Release 1997, European Telecommunications Standards Institute, 1999, pp. 1 - 42.	<input type="checkbox"/>
28	The i-Drive.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 6 pages.	<input type="checkbox"/>
29	GSM 03.64 version 7.0.0 Release 1997, European Telecommunications Standards Institute, 1999, pp. 1-42.	<input type="checkbox"/>
30		<input type="checkbox"/>
31		<input type="checkbox"/>
32	The MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) Screenshots from MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 6 pages.	<input type="checkbox"/>
33	MP3.com and i-drive.com Join Forces to Store and Manage MP3 Files, Business Wire, Oct. 7, 1999, pp. 1-3.	<input type="checkbox"/>

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34	The EMusic.com website (formerly www.goodnoise.com) (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 2 pages.	<input type="checkbox"/>
35	EMusic.com prospectus, Sept. 24, 1999, pp. 1 - 61, F1 - F41.	<input type="checkbox"/>
36	"Logging On; Setting Sound Free From the CD," The Washington Post, Mar. 3, 2000, pp. 1-3.	<input type="checkbox"/>
37	"Music Factory; Retailers Struggle to Expand Listening Options Online," Contra Costa Times Mar. 19, 2000, pp. 1- 2.	<input type="checkbox"/>
38	The MyPlay.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 1 page.	<input type="checkbox"/>
39	Myplay.com Launches Today, PR Newswire. Oct. 13, 1999, pp. 1-2.	<input type="checkbox"/>
40	Myplay, Inc. Launches Consumer Online Music Service, PR Newswire, Oct. 13, 1999, pp. 1-3.	<input type="checkbox"/>
41	Empeg.com, "Does Your Car Stereo Run Linux," (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 2 pages.	<input type="checkbox"/>
42	TIA/EIA Interim Standard, Cellular Digital Packet Data, System Specification - Part 403, Mobile Data Link Protocol, Telecommunications Industry Association. Dec. 1997, 83 pages.	<input type="checkbox"/>
43	"The Listen Up Player from Audio Highway" 1996. 1 page.	<input type="checkbox"/>
44	"Audio Highway Announces The Listen Up Player," Audio Highway Press Release, Sept. 23, 1996, 2 pages.	<input type="checkbox"/>

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	Attorney Docket Number	AFF.004C7US	

45	MPCMan F-10 and F-20 digital audio players and review article "MP3 Player Saehan MPCMan F20 Review", X-bit labs, July 14, 1999. 6 pages.	<input type="checkbox"/>
46	Menta, "RIAA Sues Music Startup Napster for \$20 Billion" Newswire, Jan. 11, 2000, 4 pages.	<input type="checkbox"/>
47	Boehrlart, "Artists to Napster: Drop Dead" Salon.com, Mar. 24, 2000. 3 pages.	<input type="checkbox"/>

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	Attorney Docket Number	AFF.004C7US

1	Riocar dot org, "rio car dot org Geek Guide," empeg car Mk.1, July 16, 2010, 4 pages.	<input type="checkbox"/>
2	The MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) Screenshots from MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 8 pages.	<input type="checkbox"/>

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	Examiner Name	Erika A. Gary	
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	2	5991640		1999-11-23	Lilja, et al.	
	3	6338044		2002-01-08	Cook, et al.	
	4	7549007		2009-06-16	Smith, et al.	
	5	7139626		2006-11-21	Kataoka, et al.	
	6	5852775		1998-12-22	Hidary	
	7	5889852		1999-03-30	Rosecrans, et al.	
	8	6007228		1999-12-28	Agarwal, et al.	

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	Examiner Name	Erika A. Gary		
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9	7562392		2009-07-14	Rhoads, et al.	
10	6633932		2003-10-14	Bork, et al.	

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	2	RealNetworks, "RealPlayer Plus G2 Manual," Copyright 1998-1999.	<input type="checkbox"/>

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	Art Unit	2617	
	Examiner Name	Erika A. Gary	
	Attorney Docket Number	AFF.0004C7US	

3	RATHBONE, ANDY, "MP3 for Dummies," IDG Books Worldwide, Copyright 1999.	<input type="checkbox"/>
4	Affinity Labs of Texas, LLC v. BMW North America, LLC, et al., C.A. No. 9:08CV164 and Affinity Labs of Texas, LLC v. Alpine Electronics of America, Inc., et al., C.A. No. 9:08CV171, Eastern District of Texas, Order Construing Claim Terms of United States Pates No. 7,324,833, December 18, 2009, pp. 1-31.	<input type="checkbox"/>
5	Exhibit B to Third Party Requester's Comments to Patent Owner's Supplemental Reply of July 26, 2010 filed August 25, 2010 in Reexamination No. 95/001,262 (Declaration of Dr. Bruce Maggs dated August 25, 2010).	<input type="checkbox"/>
6	Exhibit A to Third Party Requester's Comments to Patent Owner's Reply of September 9, 2010 filed October 12, 2010 in Reexamination No. 95/001,263 (Declaration of Dr. Bruce Maggs dated October 12, 2010).	<input type="checkbox"/>
7	Nokia, "Quick Guide - Accessories Guide," Copyright 1999.	<input type="checkbox"/>

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	Filing Date		2009-06-30
	First Named Inventor	Russell W. White, Jr.	
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	Examiner Name	Erika A. Gary	
	Attorney Docket Number		AFF.0004C6US

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	3	6338044		2002-01-08	Cook, et al.	
	4	7549007		2009-06-16	Smith, et al.	
	5	7139626		2006-11-21	Kataoka, et al.	
	6	5852775		1998-12-22	Hidary	
	7	5889852		1999-03-30	Rosecrans, et al.	
	8	6007228		1999-12-28	Agarwal, et al.	

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	Filing Date	2008-01-16
	First Named Inventor	Russell W. White
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.0004C5US

1	U.S. Patent and Trademark Office, Office Action in Inter Partes Reexamination of Patent No. 7440772, Reexamination Control No. 95001266, Office Action issued on August 2, 2010, 14 pages.	<input type="checkbox"/>	
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12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320	
	Filing Date	2008-01-16	
	First Named Inventor	Russell W. White, et al.	
	Art Unit	2617	
	Examiner Name	Erika A. Gary	
	Attorney Docket Number	AFF.004C5US	

1	U.S. Patent and Trademark Office, Office Action in Inter Partes Reexamination of Patent No. 7486926, Control No. 95/001,263, Office Action issued July 9, 2010, 20 pgs.	<input type="checkbox"/>
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1	U.S. Patent and Trademark Office, Office Action in Inter Partes Reexamination dated June 14, 2010 in U.S. application no. 95/001,223.	<input type="checkbox"/>
2	U.S. Patent and Trademark Office, Ex Parte Reexamination Communication Transmittal Form dated June 14, 2010 providing "Decision, Sua Sponte, To Merge Reexamination Proceedings," in U.S. application no. 95/001,223.	<input type="checkbox"/>

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1	U.S. Patent And Trademark Office, Office Action in Inter Partes Reexamination mailed on May 24, 2010, in U.S. application reexamination serial no. 95/001,262.	<input type="checkbox"/>
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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
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	5	6678215		2004-01-13	Treyz	
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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
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NON-PATENT LITERATURE DOCUMENTS

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.	T ⁵
	1	AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., BMW NORTH AMERICA, LLC, et al., Civil Action No. 9:08CV164, AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., ALPINE ELECTRONICS OF AMERICA, INC., et al., Civil Action No. 9:08CV171, Order Construing Claim Terms of Unites States Patent No. 7,634,228, Filed on May 10, 2010, Pages 1-27.	<input type="checkbox"/>
	2	D. PETERS, et al., "Car Multimedia - Mobile Multimedia for the 21st Century," October 5-6, 2000, Pages 1-58.	<input type="checkbox"/>
	3	STEPHAN HARTWIG, et al., "Mobile Multimedia - Challenges and Opportunities Invited Paper," June 19, 2000, Pages 1-12.	<input type="checkbox"/>
	4	JOHN HANAN, "Car Audio Has Come Far since the 8-Track," Knight Ridder/Tribune Business News, December 17, 1999, Pages 1-2.	<input type="checkbox"/>
	5	BUSINESS WIRE, "Lobjects Announces New Digital Audio Player Technology for the Next-Generation Auto PC," August 4, 1999, Pages 1-2.	<input type="checkbox"/>
	6	JASON MESERVE, "Windows Media Player now available for WinCe, (from Microsoft) (Product Announcement)," Network World, March 6, 2000, Pages 1-2.	<input type="checkbox"/>
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8	CHRIS De HERRERA, "Windows CE 2.0 Auto PC Pictures," Chris De Herrera's Windows CE Website, Revised January 11, 1999, Pages 1-3.	<input type="checkbox"/>
9	JOHN MURRAY, "Inside Microsoft Windows CE," Microsoft Press, 1998, Pages 1-20.	<input type="checkbox"/>
10	COMPAQ, INTEL, MICROSOFT, NEC, "Universal Serial Bus Device Class Definition for Audio Devices," Release 1.0, March 18, 1998, Pages 1-130.	<input type="checkbox"/>
11	COMPAQ, INTEL, MICROSOFT, NEC, "Universal Serial Bus Specification," Revision 1.1, September 23, 1998, Pages 1-327.	<input type="checkbox"/>
12	VESA, VIDEO ELECTRONICS STANDARDS ASSOCIATION, "VESA Plug and Display (P&D) Standard," Version 1, Revision 0, June 11, 1997, Pages 1-109.	<input type="checkbox"/>
13	AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., BMW NORTH AMERICA, LLC, et al., Defendants, Case No. 9:08-cv-00164-RC, First Amended Answer And Counterclaim Of Defendant Volkswagen Group Of America, Inc. To Third Amended Complaint, Filed on April 9, 2010, Pages 1-57.	<input type="checkbox"/>
14	AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., BMW NORTH AMERICA, LLC, et al., Defendants, Case No. 9:08-cv-00164-RC, Amended Answer And Counterclaim Of Defendants Hyundai Motor America, Hyundai Motor Manufacturing Alabama, LLC, And KIA Motors America, Inc. To Plaintiff Affinity Labs Of Texas, LLC's Third Amended Complaint, Filed on April 9, 2010, Pages 1-22.	<input type="checkbox"/>
15	AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., BMW NORTH AMERICA, LLC, et al., Defendants, Case No. 9:08-cv-00164-RC, Plaintiff's Reply To Amended Answer And Counterclaim Of Defendants Hyundai Motor America, Hyundai Motor Manufacturing Alabama, LLC And KIA Motors America, Inc. To Plaintiff Affinity Labs of Texas, LLC's Third Amended Complaint, Filed on April 27, 2010, Pages 1-7.	<input type="checkbox"/>
16	AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., BMW NORTH AMERICA, LLC, et al., Defendants, Case No. 9:08-cv-00164-RC, Plaintiff's Reply To First Amended Answer And Counterclaim Of Defendant Volkswagen Group Of America, Inc. To Third Amended Complaint, Filed on April 27, 2010, Pages 1-7.	<input type="checkbox"/>
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19	CLARION Car Audio and Beyond, "1999 Car Audio & Security Product," 1999, Pages 1-60.	<input type="checkbox"/>
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21	CLARION Auto PC, "Clarion Auto PC Owner's Manual," 1998, Pages 1-177.	<input type="checkbox"/>
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27	GINA HERTEL, "A Voice-Activated Co-Pilot: ICES," Odds & Ends, January 2000, Vol. 8, Issue 1, Pages 1-5.	<input type="checkbox"/>
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29	EMPEG Car webpage, http://web.archive.org/web/19990430033318/www.empeg.com/main.html , April 30, 1999, one page.	<input type="checkbox"/>

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	Attorney Docket Number	AFF.004C5US	

30	CLARION AutoPC, "Frequently Asked Questions," 1998, Pages 1-3.	<input type="checkbox"/>
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32	STEREOPHILE, "Clarion Debuts World's First Automobile PC/Stereo," December 5, 1998, Pages 1-3.	<input type="checkbox"/>
33	STEVE WHALLEY, "Peripherals To Go: USB In AutoPC," Pages 1-2.	<input type="checkbox"/>
34	GREGORY L. WHITE, "After AutoPC's Hard Ride, Detroit Tries Rebooting In-Car Computers," The Wall Street Journal, Pages 1-3.	<input type="checkbox"/>
35	AFFINITY LABS OF TEXAS, LLC, Plaintiff, v., BMW NORTH AMERICA, LLC, et al., Defendants, Civil Action No. 9:08-CV-164, Order Denying Defendant's Motion to Dismiss, Filed on September 2, 2009, Pages 1-7.	<input type="checkbox"/>

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1	Affinity Labs of Texas, LLC (Plaintiff) v. BMW North America, LLC, et al. (Defendants), Case No. 9:08-cv-00164-RC, Answer and Counterclaim of Defendant Volkswagen Group of America, Inc., to Third Amended Complaint, Pages 1-48, filed on January 15, 2010.	<input type="checkbox"/>
2	Affinity Labs of Texas, LLC (Plaintiff) v. Alpine Electronics of America, Inc., et al. (Defendants), Civil Action No. 9:08-cv-171, Order Denying Without Prejudice Defendants' Motion for Summary Judgment, one page, filed on February 25, 2010.	<input type="checkbox"/>

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12495190 - GAU: 2617

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12015320
	Filing Date	2008-01-16
	First Named Inventor	Russell White, et al.
	Art Unit	2617
	Examiner Name	Erika A. Gary
	Attorney Docket Number	AFF.004C5US

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	Filing Date		2008-01-16	
	First Named Inventor	Russell White, et al.		
	Art Unit	2817		
	Examiner Name	Erika A. Gary		
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	First Named Inventor	Russell White, et al.		
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	Examiner Name	Erika A. Gary		
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12495190 - GAU: 2617

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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	1	AFFINITY LABS OF TEXAS, LLC (Plaintiff) v. BMW NORTH AMERICA, LLC, ET AL. (Defendants), Civil Action No. 9:08CV164 and AFFINITY LABS OF TEXAS, LLC (Plaintiff) v. ALPINE ELECTRONICS OF AMERICA, INC., ET AL., Civil Action No. 9:08CV171, "Order Construing Claim Terms of United States Patent No. 7,324,833, issued on December 18, 2009, Pages 1-31.	<input type="checkbox"/>
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	Examiner Name	Erika A. Gary
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	Art Unit	2617	
	Examiner Name	Erika A. Gary	
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1	Request for Inter Partes Reexamination of U.S. Patent No. 7,187,947, filed on November 13, 2009, with accompanying Claim Charts.	<input type="checkbox"/>
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	1	"Universal Serial Bus Specification," Revision 1.1, September 23, 1998, pages ii-106.	<input type="checkbox"/>
	2	Reply to Office Action Mailed August 5, 2009 in Reexamination Control No. 90/010,333 of U.S. Patent No. 7,324,833 (along with a Supplemental Reply and Second Supplemental Reply).	<input type="checkbox"/>
	3	Response to "Notice of Failure to Comply with Inter Partes Reexamination Request Filing Requirements (37 CFR 1.915(d)) filed on September 22, 2009. Requestor: Volkswagen Group of America, Inc. with Replacement Request for Inter Partes Reexamination of U.S. Patent No. 7,324,833 and Claim Charts A-JJ.	<input type="checkbox"/>
	4	The United States Patent And Trademark Office, Office Action Mailed November 9, 2007 in related patent application serial no. 10/947,755.	<input type="checkbox"/>

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	First Named Inventor	Russell W. White, et al.		
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	Attorney Docket Number	AFF.004C7US		

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	Art Unit	2617		
	Examiner Name	Erika A. Gary		
	Attorney Docket Number	AFF.004C7US		

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	1	EP 984584	EP		2000-08-03	Lippert		<input type="checkbox"/>

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	1	Sony Corporation, Sony Portable MiniDisc Recorder MZ-R90/MZ-R91 Operating Instructions, Doc. No. 3-867-571-22(1), 1999, pp. 1-55.	<input type="checkbox"/>
	2	Empeg Car User Guide, 1999, pp. 1-19.	<input type="checkbox"/>
	3	Empeg Car User Guide (2000) pp. 1-48	<input type="checkbox"/>
	4	Crowe, Mike. Empeg Car Beta 10a, March 25, 2000, 3 pages.	<input type="checkbox"/>
	5	Emplode Help, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 25 pages.	<input type="checkbox"/>

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6	"MP3 Portable Player Goes Elite" The Mac Observer, Nov. 17, 1999, 3 pages.	<input type="checkbox"/>
7	"MP3 in Your Car Has Arrived" (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 1 page.	<input type="checkbox"/>
8	Photos from Comdex Fall 1999, Nov. 1999, 9 pages.	<input type="checkbox"/>
9	Photos from LinuxWorld Expo, Winter 1999, Mar. 1-4, 1999, 22 pages.	<input type="checkbox"/>
10	Craig Knudsen, "MP3 Linux Players," Linux Journal, Jul. 1, 1999, pp. 1-3.	<input type="checkbox"/>
11	riocar.org – Empeg Car History, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 4 pages.	<input type="checkbox"/>
12	"Visteon: For Your Listening Pleasure - Any Music, Any Time, Anywhere," Presswire, Jan. 5, 2000, 1 page.	<input type="checkbox"/>
13	Photographs in email to Hugo Fiennes, Sept. 22, 1999, 4 pages.	<input type="checkbox"/>
14	HP Jornada 420 User's Manual, 1999, pp. 1-142.	<input type="checkbox"/>
15	IEEE Standard 802.11b, 1999 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications: Higher-Speed Physical Layer Extension in the 2.4 GHz Band) Sep. 16, 1999, 96 pages.	<input type="checkbox"/>
16	RealPlayer Plus G2 Manual, 1999, pp. 1-81.	<input type="checkbox"/>

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17	IEEE Standard 802.11a, 1999 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications: High-Speed Physical Layer in the 5GHz Band), 1999, 91 pages.	<input type="checkbox"/>
18	Rod Underhill & Nat Gertler, "The Complete Idiot's Guide to MP3: Music on the Internet," 1999, 44 pages.	<input type="checkbox"/>
19	Bill Mann, "I Want My MP3! How to Download, Rip, & Play Digital Music," McGraw-Hill 2000, 175 pages.	<input type="checkbox"/>
20	IEEE Standard 802.11, 1997 Edition (Wireless LAN Medium Access Control and Physical Layer Specifications), 1997, pp. 1-145.	<input type="checkbox"/>
21	IEEE Standard 802.3ab, 1999 Edition (802.3 Physical Layer Specification for 1000 Mb/s Operation on Four Pairs of Category 5 or Better Balanced Twisted Pair Cable (1000BASE-T) 1999, 140 pages.	<input type="checkbox"/>
22	IBM Wireless Modem for Cellular/CDPD - Quick Reference, Oct. 1995, pp. 1-20.	<input type="checkbox"/>
23	Creative Sound Blaster Live! Platinum product, documentation, and software: Creative Technology Ltd., Creative Sound Blaster Live! Platinum Getting Started, Sept. 1999, 93 pages.	<input type="checkbox"/>
24	psa[play Getting Started Guide, (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), pp. 1-16.	<input type="checkbox"/>
25	psa[play Getting Started Guide, 2000, pp. 1-16.	<input type="checkbox"/>
26	Rio 800 User Guide, 2001, pp. 1-38.	<input type="checkbox"/>
27	Rio 800 Digital Audio Player—Getting Started, 2000, pp. 1-19.	<input type="checkbox"/>

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28	Rio 600 Getting Started Guide, 2001, pp. 1-169.	<input type="checkbox"/>
29	Rio 600 User Guide, March 2001, pp 1-38.	<input type="checkbox"/>

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1	The Rio 500 Getting Started Guide, 1999, pp. 1-2.	<input type="checkbox"/>
2	"Visteon's Mobile Office Solutions Give Busy Commuters More of What They Need - Time," Canada Newswire, Sept. 15, 1999, 3 pages.	<input type="checkbox"/>
3	Hiatt, "RIAA Sues Napster, Claiming 'Music Piracy'," MTV News, Dec. 8, 1999, 3 pages.	<input type="checkbox"/>
4	Sony VAIO Notebook Computer User Guide PCG-731/PCG-735, 1998, pp. 1-131.	<input type="checkbox"/>
5	Sony VAIO Notebook Computer User Guide PCG-812, 1998, pp. 1-144.	<input type="checkbox"/>
6	Sony VAIO Notebook Computer User Guide PCG-838, 1999, pp. 1-121.	<input type="checkbox"/>
7	Sony Service Manual PCG-731/735/737, 1997, pp. 1-22.	<input type="checkbox"/>
8	Sony Service Manual PCG-723/729, 1998, pp. 1-22.	<input type="checkbox"/>
9		<input type="checkbox"/>
10	Sony Service Manual PCG-812/818, 1998, pp. 1 - 22.	<input type="checkbox"/>
11	Sony Service Manual PCG-838, 1999, pp. 1 - 22.	<input type="checkbox"/>

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12	"Digital Download Provider Musicmaker.com Partners With Download Directory Listen.com; Offers Nearly 100,000 Downloadable Tracks Via the Online Directory," PR Newswire, Sept. 15, 1999, pp. 1-3.	<input type="checkbox"/>
13	MP3.com prospectus, Jul. 21, 1999, pp. 1 - 81.	<input type="checkbox"/>
14	Ana Orubeondo, "Trim AirCard 300 Eases Power Demands," InfoWorld, Volume 21, Issue 48. Nov. 29, 1999. pg 46 & 50.	<input type="checkbox"/>
15	"Net Music Firms to Tap Public Market," Billboard. Jul. 17, 1999. pp. 1 - 2.	<input type="checkbox"/>
16	"Cellular for Notebook PCs." CIO Vo.. 13, No. 1. Oct. 1, 1999, pg. 90.	<input type="checkbox"/>
17	"Briefs," Network World. Volume 16, no. 24. Aug. 23, 1999, pg. 27.	<input type="checkbox"/>
18	The MusicMatch.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 32 pages.	<input type="checkbox"/>
19	The MusicMaker.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 10 pages.	<input type="checkbox"/>
20	Qualcomm QCP-1960 User Manual. Apr. 1999, pp. 1 - 76.	<input type="checkbox"/>
21	Samsung SCH-3500 User Manual. 1999, pp. 1 - 108.	<input type="checkbox"/>
22	Motorola Digital StarTAC User Guide. Mar. 1999, pp. 1 - 118.	<input type="checkbox"/>

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	Attorney Docket Number	AFF.004C7US

23	Nokia 9110 Quick Guide/Accessories Guide. 1999, pp. 1-31.	<input type="checkbox"/>
24	"MP3.com and i-drive.com Join Forces to Store and Manage MP3 Files," Business Wire, Oct. 7, 1999, pp. 1-3.	<input type="checkbox"/>
25	Nomad User Guide, Jun. 1999, pp. 1-34.	<input type="checkbox"/>
26	Nomad II Getting Started Manual, Jan. 2000, pp. 1 - 38.	<input type="checkbox"/>
27	GSM 03.64 version 6.2.0 Release 1997, European Telecommunications Standards Institute, 1999, pp. 1 - 42.	<input type="checkbox"/>
28	The i-Drive.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 6 pages.	<input type="checkbox"/>
29	GSM 03.64 version 7.0.0 Release 1997, European Telecommunications Standards Institute, 1999, pp. 1-42.	<input type="checkbox"/>
30	Specification of the Bluetooth System Version 1.0B (Vol. 1), Telefonaktiebolaget LM Ericsson et al. Dec. 1, 1999, pp. 1-1082.	<input type="checkbox"/>
31	Specification of the Bluetooth System Version 1.0B (Vol. 2), Telefonaktiebolaget LM Ericsson et al. Dec. 1, 1999, pp. 1-440.	<input type="checkbox"/>
32	The MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) Screenshots from MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 6 pages.	<input type="checkbox"/>
33	MP3.com and i-drive.com Join Forces to Store and Manage MP3 Files, Business Wire, Oct. 7, 1999, pp. 1-3.	<input type="checkbox"/>

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34	The EMusic.com website (formerly www.goodnoise.com) (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 2 pages.	<input type="checkbox"/>
35	EMusic.com prospectus, Sept. 24, 1999, pp. 1 - 61, F1 - F41.	<input type="checkbox"/>
36	"Logging On; Setting Sound Free From the CD," The Washington Post, Mar. 3, 2000, pp. 1-3.	<input type="checkbox"/>
37	"Music Factory; Retailers Struggle to Expand Listening Options Online," Contra Costa Times Mar. 19, 2000, pp. 1- 2.	<input type="checkbox"/>
38	The MyPlay.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) 1 page.	<input type="checkbox"/>
39	Myplay.com Launches Today, PR Newswire. Oct. 13, 1999, pp. 1-2.	<input type="checkbox"/>
40	Myplay, Inc. Launches Consumer Online Music Service, PR Newswire, Oct. 13, 1999, pp. 1-3.	<input type="checkbox"/>
41	Empeg.com, "Does Your Car Stereo Run Linux," (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 2 pages.	<input type="checkbox"/>
42	TIA/EIA Interim Standard, Cellular Digital Packet Data, System Specification - Part 403, Mobile Data Link Protocol, Telecommunications Industry Association. Dec. 1997, 83 pages.	<input type="checkbox"/>
43	"The Listen Up Player from Audio Highway" 1996. 1 page.	<input type="checkbox"/>
44	"Audio Highway Announces The Listen Up Player," Audio Highway Press Release, Sept. 23, 1996, 2 pages.	<input type="checkbox"/>

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45	MpMan F-10 and F-20 digital audio players and review article "MP3 Player Saehan MpMan F20 Review", X-bit labs, July 14, 1999. 6 pages.	<input type="checkbox"/>
46	Menta, "RIAA Sues Music Startup Napster for \$20 Billion" Newswire, Jan. 11, 2000, 4 pages.	<input type="checkbox"/>
47	Boehrlart, "Artists to Napster: Drop Dead" Salon.com, Mar. 24, 2000. 3 pages.	<input type="checkbox"/>

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1	Riocar dot org, "rio car dot org Geek Guide," empeg car Mk.1, July 16, 2010, 4 pages.	<input type="checkbox"/>
2	The MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)) Screenshots from MP3.com website (date unknown, contended by defendant Apple Corp. to be prior art under one or more of 35 U.S.C. 102 (a), (b), (f) and (g)), 8 pages.	<input type="checkbox"/>

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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

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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 certification statement.

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

None

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Signature	/Mark J. Rozman/	Date (YYYY-MM-DD)	2011-01-31
Name/Print	Mark J. Rozman	Registration Number	42117

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