

AO 120 (Rev. 08/10) TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the Central District of California _____ on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

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

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

DATE INCLUDED 1/21/2014	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,108,686	8/22/2000	Black Hills Media, LLC
2 8,230,099	7/24/2012	Black Hills Media, LLC
3 8,214,873	7/3/2012	Black Hills Media, LLC
4 7,236,739	6/23/2007	Black Hills Media, LLC
5 6,826,283	11/30/2004	Black Hills Media, LLC

* 6. 8,028,323 9/27/2011 Black Hills Media, LLC

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

DECISION/JUDGEMENT

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

AO 120 (Rev. 08/10)

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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EDVA, Norfolk Division on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK FERNANDO GALINDO	(BY) DEPUTY CLERK T. Brown	DATE 9/27/2013
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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AO 120 (Rev. 08/10) TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Delaware on the following

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

DOCKET NO <i>13cv804-RGA</i>	DATE FILED <i>5/6/2013</i>	U.S. DISTRICT COURT District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC		DEFENDANT SHARP CORPORATION and SHARP ELECTRONICS CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC

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

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>see attached order</i>

CLERK <i>John A. Cenno</i>	(BY) DEPUTY CLERK	DATE <i>9-27-2013</i>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Delaware on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO. <u>13-804-RGA</u>	DATE FILED <u>5/6/2013</u>	U.S. DISTRICT COURT District of Delaware
PLAINTIFF <u>BLACK HILLS MEDIA, LLC</u>		DEFENDANT <u>SHARP CORPORATION and SHARP ELECTRONICS CORPORATION</u>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <u>6,618,593</u>	<u>9/9/2003</u>	<u>BLACK HILLS MEDIA, LLC</u>
2 <u>6,108,686</u>	<u>8/22/2000</u>	<u>BLACK HILLS MEDIA, LLC</u>
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>See attached order,</i>
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CLERK <i>John A. Ceuno</i>	(BY) DEPUTY CLERK	DATE <i>9-27-2013</i>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the District of Delaware _____ on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

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

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

DATE INCLUDED 9/11/2012	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,108,686	8/22/2000	Black Hills Media LLC
2 8,230,099	7/24/2012	Black Hills Media LLC
3 8,214,873	7/3/2012	Black Hills Media LLC
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the District of Delaware _____ on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>A Case Transferred to District of CA, Central District</i>

CLERK	(BY) DEPUTY CLERK	DATE 8/19/2013
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10) TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Delaware on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
		District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC		DEFENDANT SHARP CORPORATION and SHARP ELECTRONICS CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC

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

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

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
		District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC		DEFENDANT SHARP CORPORATION and SHARP ELECTRONICS CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,618,593	9/9/2003	BLACK HILLS MEDIA, LLC
2 6,108,686	8/22/2000	BLACK HILLS MEDIA, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Delaware on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
		District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC		DEFENDANT LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC and LG ELECTRONICS MOBILECOMM U.S.A., INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC

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

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Delaware on the following

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

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
		District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC		DEFENDANT PANASONIC CORPORATION and PANASONIC CORPORATION OF NORTH AMERICA
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC

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

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Delaware on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT District of Delaware
PLAINTIFF BLACK HILLS MEDIA, LLC		DEFENDANT TOSHIBA CORPORATION and TOSHIBA AMERICA INFORMATION SYSTEMS, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,028,323	9/27/2011	BLACK HILLS MEDIA, LLC
2 8,214,873	7/3/2012	BLACK HILLS MEDIA, LLC
3 8,230,099	7/24/2012	BLACK HILLS MEDIA, LLC
4 8,045,952	10/25/2011	BLACK HILLS MEDIA, LLC
5 8,050,652	11/1/2011	BLACK HILLS MEDIA, LLC

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following
 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

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

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
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 Trademarks or Patents. (the patent action involves 35 U.S.C. § 292.):

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number: 71739

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number: 71739

OR

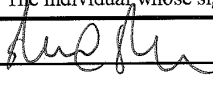
<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:
 Black Hills Media, LLC
 1000 North West Street, Suite 1200
 Wilmington, DE 19801

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	7/30/2012
Name	Hugh Svendsen	Telephone	919-433-1845
Title	Member		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

CHANGE OF CORRESPONDENCE ADDRESS <i>Patent</i> Address to: Mail Stop Post Issue Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Patent Number	8,028,323
	Issue Date	9/27/2011
	Application Number	10/840,109
	Filing Date	5/05/2004
	First Named Inventor	Martin Weel
	Attorney Docket Number	1116-063

Please change the Correspondence Address for the above-identified patent to:



The address associated with Customer Number

71739

OR

Firm or
Individual Name

Address

City

State

ZIP

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

This form will not affect any "fee address" provided for the above-identified patent. To change a "fee address" use the "Fee Address Indication Form" (PTO/SB/47).

I am the:



Patentee.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

Attorney or agent of record. Registration Number 51468

Signature

Typed or
Printed Name

R. Chad Bevins

Date

September 6, 2012

Telephone

919-238-2300

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.



*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Martin Weel

Application No./Patent No.: 8,028,323 Filed/Issue Date: 9/27/2011

Titled: METHOD AND SYSTEM FOR EMPLOYING A FIRST DEVICE TO DIRECT A NETWORKED AUDIO DEVICE TO OBTAIN A MEDIA ITEM

Black Hills Media, LLC, a limited liability corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest in;
- 2. an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or
- 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Martin Weel To: Musicstream, LLC

The document was recorded in the United States Patent and Trademark Office at Reel 016272, Frame 0095, or for which a copy thereof is attached.

2. From: Musicstream, LLC To: Elario, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 025385, Frame 0845, or for which a copy thereof is attached.

3. From: Elario, Inc. To: Concert Technology Corporation

The document was recorded in the United States Patent and Trademark Office at Reel 019311, Frame 0817, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

R. Chad Bevins
Signature

September 6, 2012
Date

R. Chad Bevins
Printed or Typed Name

Attorney of Record
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-5199 and select option 2.

Statement Under 37 CFR 3.73(b) – Supplemental Sheet

4. From: Concert Technology Corporation To: ConPact, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 019610 , Frame 0690 , or for which a copy thereof is attached.
5. From: ConPact, Inc. To: Dryden Enterprises, LLC
The document was recorded in the United States Patent and Trademark Office at
Reel 024606 , Frame 0249 , or for which a copy thereof is attached.
6. From: Dryden Enterprises, LLC To: Black Hills Media, LLC
The document was recorded in the United States Patent and Trademark Office at
Reel 028654 , Frame 0742 , or for which a copy thereof is attached.

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	1116-063_Black_Hills_Media_POA.pdf	139229 <small>a6f3b0960767bdaa6efe38789defe5c0c21bd54d</small>	no	1

Warnings:

Information:

2	Change of Address	1116-063_Change_Correspondence_9-6-12.pdf	284071 e30a9679b87fe2f3d83fa63a1eba858289f8343	no	1
Warnings:					
Information:					
3	Assignee showing of ownership per 37 CFR 3.73(b).	1116-063_Statement_Under_37CFR3-73b_9-6-12.pdf	347545 118a83895bedc9028b88b96ef1da5a45dc41ff24	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				770845	
<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>					



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

71739 7590 09/07/2011
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

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

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

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

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

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

Martin Weel, Modjeska, CA;



UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 9461

SERIAL NUMBER 10/840,109	FILING OR 371(c) DATE 05/05/2004 RULE	CLASS 725	GROUP ART UNIT 2448	ATTORNEY DOCKET NO. 1116-063
------------------------------------	---	---------------------	-------------------------------	--

APPLICANTS
 Martin Weel, Modjeska, CA;
**** CONTINUING DATA *******
**** FOREIGN APPLICATIONS *******
IF REQUIRED, FOREIGN FILING LICENSE GRANTED
**** 07/09/2004**

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY CA	SHEETS DRAWING 8	TOTAL CLAIMS 34	INDEPENDENT CLAIMS 10
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 _____		

ADDRESS
 71739

TITLE
 METHOD AND SYSTEM FOR EMPLOYING A FIRST DEVICE TO DIRECT A NETWORKED AUDIO DEVICE TO OBTAIN A MEDIA ITEM

FILING FEE RECEIVED 1242	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit



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

71739 7590 08/24/2011
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2448

MAIL DATE DELIVERY MODE

08/24/2011

PAPER

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

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

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/840,109	WEEL, MARTIN
	Examiner	Art Unit
	Le Luu	2448

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

1. The amendment filed on 10 August 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.

The information disclosure statement (IDS) submitted on 08/10/11 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Attachments

- 1. Information Disclosure Statements Mail Date 08/10/11.

/Le Luu/
Primary Examiner, Art Unit 2448

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

U.S. PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

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U.S. PATENT APPLICATION PUBLICATIONS						Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20040024912	A1	2004-02-05	Fukao et al.	
	2	20040103280	A1	2004-05-27	Balfanz et al.	
	3	20050025320	A1	2005-02-03	Barry	

If you wish to add additional U.S. Published Application citation information please click the Add button. **Add**

FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

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

If you wish to add additional Foreign Patent Document citation information please click the Add button **Add**

NON-PATENT LITERATURE DOCUMENTS Remove

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		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button **Add**

EXAMINER SIGNATURE

Examiner Signature	/Le Luu/	Date Considered	08/16/2011
--------------------	----------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel

Serial No. 10/840,109

Filed: 05/05/2004

Attorney Docket No. 1116-063

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

Examiner: Le Hien Luu

Art Unit: 2448

Mail Stop Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 CFR § 1.312

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

OK TO ENTER: /LL/

08/17/2011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 9461

Table with 5 columns: SERIAL NUMBER (10/840,109), FILING OR 371(c) DATE (05/05/2004), CLASS (725), GROUP ART UNIT (2448), ATTORNEY DOCKET NO. (1116-063)

APPLICANTS
Martin Weel, Modjeska, CA;
** CONTINUING DATA *****
** FOREIGN APPLICATIONS *****
IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 07/09/2004

Table with 5 columns: Foreign Priority claimed (checkboxes), 35 USC 119 (a-d) conditions (checkboxes), STATE OR COUNTRY (CA), SHEETS DRAWING (8), TOTAL CLAIMS (34), INDEPENDENT CLAIMS (10)

ADDRESS
71739

TITLE
PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Table with 2 columns: FILING FEE RECEIVED (1242) and FEES: Authority has been given in Paper No. ... to charge/credit DEPOSIT ACCOUNT No. ... for following: (checkboxes for All Fees, 1.16 Fees, 1.17 Fees, 1.18 Fees, Other, Credit)

PART B - FEE(S) TRANSMITTAL

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

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

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.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

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

EXAMINER	ART UNIT	CLASS-SUBCLASS
LUU, LE HIEN	2448	725-141000

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,
 (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.

1 Withrow & Terranova, PLLC
 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 Dryden Enterprises, LLC (B) RESIDENCE: (CITY and STATE OR COUNTRY) Wilmington, Delaware


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 _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
 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 50-1732 (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 August 10, 2011
 Typed or printed name Eric P. Jensen Registration No. 37,647

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel
Serial No. 10/840,109
Filed: 05/05/2004
Attorney Docket No. 1116-063
For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

Examiner: Le Hien Luu
Art Unit: 2448

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

Sir:

AMENDMENT UNDER 37 CFR § 1.312

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

In the Specification:

Please amend the title as follows:

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

REMARKS

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

Respectfully submitted,

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

By:



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

Date: August 10, 2011
Attorney Docket: 1116-063

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1810
RAM confirmation Number	1869
Deposit Account	501732
Authorized User	JENSEN,ERIC P.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	1116-063_Issue_Fee_Transmittal_8-10-11.pdf	224567 39139be08cd717659a423267c291691135fa311	no	1
Warnings:					
Information:					
2		1116-063_Amendment_Under_37_CFR_1-312_8-10-11.pdf	140976 4734938920f865659c062286cd7b74dd3a539267	yes	3
Multipart Description/PDF files in .zip description					
Document Description		Start	End		
Amendment after Notice of Allowance (Rule 312)		1	1		
Specification		2	2		
Applicant Arguments/Remarks Made in an Amendment		3	3		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32288 6915804a6357225af82bfa8116102cb337089e8e	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			397831		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

U.S.PATENTS							Remove	
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Patent citation information please click the Add button.							Add	
U.S.PATENT APPLICATION PUBLICATIONS							Remove	
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	20040024912	A1	2004-02-05	Fukao et al.			
	2	20040103280	A1	2004-05-27	Balfanz et al.			
	3	20050025320	A1	2005-02-03	Barry			
If you wish to add additional U.S. Published Application citation information please click the Add button.							Add	
FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

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

If you wish to add additional Foreign Patent Document citation information please click the Add button Add			
NON-PATENT LITERATURE DOCUMENTS			Remove
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		<input type="checkbox"/>
If you wish to add additional non-patent literature document citation information please click the Add button Add			
EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
<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>			

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

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.

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

A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-08-09
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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:	10840109			
Filing Date:	05-May-2004			
Title of Invention:	PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK			
First Named Inventor/Applicant Name:	Martin Weel			
Filer:	R. Chad Bevins/Julie Smith			
Attorney Docket Number:	1116-063			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$180
RAM confirmation Number	1586
Deposit Account	501732
Authorized User	BEVINS,R. CHAD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	1116-063_IDS_12.PDF	611568 80e176745171044c273104a93c832f8ab36cf5ad	no	4
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30577 869b816ed331540b86aff0b7d07bd1799891f891	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			642145		
<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>					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

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

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2448

DATE MAILED: 05/24/2011

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

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

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

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.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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.

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

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

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

PART B - FEE(S) TRANSMITTAL

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

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

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.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

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

EXAMINER	ART UNIT	CLASS-SUBCLASS
LUU, LE HIEN	2448	725-141000

<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>
---	---

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. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 10/840,109, 05/05/2004, Martin Weel, 1116-063, 9461
Row 2: 71739, 7590, 05/24/2011, [EXAMINER], []
Row 3: [], [], [], [ART UNIT], [PAPER NUMBER]
Row 4: [], [], [], 2448, []

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

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2448

DATE MAILED: 05/24/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

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

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

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

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

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.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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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)	
	10/840,109	WEEL, MARTIN	
	Examiner	Art Unit	
	LE LUU	2448	

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

All claims being allowable, PROSECUTION ON THE 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 papers filed on 05/17/11.
2. The allowed claim(s) is/are 35,37-39,41,43,45-50,52,53 and 59-62.
3. The drawings filed on 05/05/04 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. 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.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (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).
7. 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)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>05/17/11</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/LE LUU/
Primary Examiner, Art Unit 2448

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
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	Examiner Name	Le Hien Luu		
	Attorney Docket Number		1116-063	

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
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	Art Unit		2448	
	Examiner Name	Le Hien Luu		
	Attorney Docket Number		1116-063	

	20	7920824	B2	2011-04-05	Janik et al.	
	21	5262875		1993-11-16	Mincer et al.	
	22	5440334		1995-08-08	Walters et al.	
	23	5710970		1998-01-20	Walters et al.	

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20070180063	A1	2007-08-02	Qureshey et al.	
	2	20020013852	A1	2002-01-31	Janik	
	3	20020138630	A1	2002-09-26	Solomon et al.	

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

	1	0984584	EP	A1	2000-03-08	America Online, Inc.	<input type="checkbox"/>
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	1	KEVIN C. ALMEROETH ET AL., "An Alternative Paradigm for Scalable On-Demand Applications: Evaluating and Deploying the Interactive Multimedia Jukebox," IEEE Transactions on Knowledge and Data Engineering, Vol. 11, No. 4, July/August 1999, pages 658-672, copyright 1999 IEEE, 15 pages.	<input type="checkbox"/>


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EXAMINER SIGNATURE

Examiner Signature	/Le Luu/	Date Considered	05/18/2011
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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.

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE									
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011	05/23/2011	
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1	35	✓	✓	✓	✓	✓	✓	=	=	=	
	36	✓	-	-	-	-	-	-	-	-	

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE								
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011	05/23/2011
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3	38	✓	✓	✓	✓	✓	✓	=	=	=
4	39	✓	✓	✓	✓	✓	✓	=	=	=
	40	✓	-	-	-	-	-	-	-	-
5	41	✓	✓	✓	✓	✓	✓	=	=	=
	42	✓	-	-	-	-	-	-	-	-
6	43	✓	✓	✓	✓	✓	✓	=	=	=
	44	✓	✓	✓	✓	✓	-	-	-	-
7	45	✓	✓	✓	✓	✓	✓	=	=	=
8	46	✓	✓	✓	✓	✓	✓	=	=	=
9	47	✓	✓	✓	✓	✓	✓	=	=	=
10	48	✓	✓	✓	✓	✓	✓	=	=	=
11	49	✓	✓	✓	✓	✓	✓	=	=	=
12	50	✓	✓	✓	✓	✓	✓	=	=	=
	51	✓	✓	✓	✓	✓	-	-	-	-
13	52	✓	✓	✓	✓	✓	✓	=	=	=
14	53	✓	✓	✓	✓	✓	✓	=	=	=
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	58		✓	-	-	-	-	-	-	-
16	59				✓	✓	✓	=	=	=
17	60				✓	✓	✓	=	=	=
18	61				✓	✓	✓	=	=	=
15	62					✓	✓	=	=	=

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

ORIGINAL						INTERNATIONAL CLASSIFICATION								
CLASS			SUBCLASS			CLAIMED				NON-CLAIMED				
725			141			H	0	4	N	7 / 173 (2011.0)				
CROSS REFERENCE(S)														
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)													
725	133	118												
709	219													

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	2		18		34	12	50								
	3		19	1	35		51								
	4		20		36	13	52								
	5		21	2	37	14	53								
	6		22	3	38		54								
	7		23	4	39		55								
	8		24		40		56								
	9		25	5	41		57								
	10		26		42		58								
	11		27	6	43	16	59								
	12		28		44	17	60								
	13		29	7	45	18	61								
	14		30	8	46	15	62								
	15		31	9	47										
	16		32	10	48										

NONE		Total Claims Allowed:	
		18	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/LE LUU/ Primary Examiner, Art Unit 2448	05/23/2011	1	1
(Primary Examiner)	(Date)		

EAST Search History

EAST Search History (Prior Art)

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

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

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

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

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

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

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

EAST Search History (Interference)


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

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

5/23/11 5:07:32 AM

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

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

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

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

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

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

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

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

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

	20	7920824	B2	2011-04-05	Janik et al.	
	21	5262875		1993-11-16	Mincer et al.	
	22	5440334		1995-08-08	Walters et al.	
	23	5710970		1998-01-20	Walters et al.	

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20070180063	A1	2007-08-02	Qureshey et al.	
	2	20020013852	A1	2002-01-31	Janik	
	3	20020138630	A1	2002-09-26	Solomon et al.	

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

	1	0984584	EP	A1	2000-03-08	America Online, Inc.	<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
	1	KEVIN C. ALMEROETH ET AL., "An Alternative Paradigm for Scalable On-Demand Applications: Evaluating and Deploying the Interactive Multimedia Jukebox," IEEE Transactions on Knowledge and Data Engineering, Vol. 11, No. 4, July/August 1999, pages 658-672, copyright 1999 IEEE, 15 pages.	<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	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2448
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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.

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

A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-05-17
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$810
RAM confirmation Number	2787
Deposit Account	501732
Authorized User	BEVINS,R. CHAD
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <ul style="list-style-type: none"> Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees) Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges) 	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	1116-063_RCE_5-17-11.pdf	697401 3bd8ef1291e3d28d340227aa63f1ed794da1c174	no	3
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_11.PDF	612533 887506092892953171c0474d57489cea4e051a34	no	6
Warnings:					
Information:					
3	Foreign Reference	EP0984584.pdf	359024 b5a3fcb1e40b6e7a08d92f0b18b35379a96357f1	no	20
Warnings:					
Information:					
4	NPL Documents	Kevin_Almeroth_Alternative_Paradigm.pdf	835726 132b8e287c24b93ee42e78339ea2f9173b2e7a0	no	15
Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	30650 3d4b96cb46591317d6cea8f189a3e66e4b9a11fd	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			2535334		
<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>					

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)							
Application Number	10/840,109	Filing Date	2004-05-05	Docket Number (if applicable)	1116-063	Art Unit	2448
First Named Inventor	Martin Weel			Examiner Name	Le Hien Luu		
<p>This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV</p>							
SUBMISSION REQUIRED UNDER 37 CFR 1.114							
<p>Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p>							
<p><input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other _____</p> <p><input checked="" type="checkbox"/> Enclosed</p> <p style="margin-left: 40px;"><input type="checkbox"/> Amendment/Reply</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Information Disclosure Statement (IDS)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Affidavit(s)/ Declaration(s)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other _____</p>							
MISCELLANEOUS							
<p><input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)</p> <p><input type="checkbox"/> Other _____</p>							
FEES							
<p>The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No <u>501732</u></p>							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED							
<p><input checked="" type="checkbox"/> Patent Practitioner Signature</p> <p><input type="checkbox"/> Applicant Signature</p>							

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

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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.



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www.uspto.gov

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

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

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2448

MAIL DATE DELIVERY MODE

05/05/2011

PAPER

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UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10840109	5/5/04	WEEL, MARTIN	1116-063

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

EXAMINER

Le Luu

ART UNIT	PAPER
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2448

20110502

DATE MAILED:

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Commissioner for Patents

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

Attachments

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

/Le Luu/
Primary Examiner, Art Unit 2448

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

U.S. PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	7047092	B2	2006-05-16	Wimsatt	
	2	7248893	B2	2007-07-24	Christensen et al.	
	3	7742606	B2	2010-06-22	Kreifeldt et al.	
	4	7643894	B2	2010-01-05	Braithwaite et al.	
	5	7571014	B1	2009-08-04	Lambourne et al.	
	6	7792311	B1	2010-09-07	Holmgren et al.	
	7	D524251	S	2006-07-04	Lim et al.	
	8	D559197	S	2008-01-08	Lim et al.	
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	Filing Date		2004-05-05	
	First Named Inventor	Martin Weel		
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	Examiner Name	Le Hien Luu		
	Attorney Docket Number		1116-063	

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

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

	10	20070038999	A1	2007-02-15	Millington	
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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
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Examiner Signature	/Le Luu/		Date Considered 05/02/2011

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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		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martin Weel		
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U.S. PATENTS						Remove
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	First Named Inventor	Martin Weel		
	Art Unit		2448	
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	Attorney Docket Number		1116-063	

U.S.PATENT APPLICATION PUBLICATIONS						Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040260407	A1	2004-12-23	Wimsatt	
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	7	20110026727	A1	2011-02-03	Braithwaite et al.	
	8	20110044468	A1	2011-02-24	Braithwaite et al.	
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	Art Unit	2448
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

	10	20070038999	A1	2007-02-15	Millington	
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FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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
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NON-PATENT LITERATURE DOCUMENTS				Remove
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			<input type="checkbox"/>

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EXAMINER SIGNATURE	
Examiner Signature	Date Considered

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

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.

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

A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-04-26
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$180
RAM confirmation Number	10182
Deposit Account	501732
Authorized User	BEVINS,R. CHAD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_10.PDF	612210 cb93798f1f17d18673745b5d2b61f8f6eed1b842	no	5
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30569 3060bbda687f6106eb30cb168e5f235edbc77285	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			642779		
<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>					



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

71739 7590 04/08/2011
WITHROW & TERRANOVA CT
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LUU, LE HIEN

ART UNIT	PAPER NUMBER
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10840109	5/5/04	WEEL, MARTIN	1116-063

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

EXAMINER

Le Luu

ART UNIT	PAPER
2448	20110404

DATE MAILED:

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Commissioner for Patents

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

Attachment

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

/Le Luu/
Primary Examiner, Art Unit 2448

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

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	5903901		1999-05-11	Kawakura et al.		
	2	7035912	B2	2006-04-25	Arteaga		
	3	7047315	B1	2006-05-16	Srivastava		
	4	7269854	B2	2007-09-11	Simmons et al.		
	5	7512702	B1	2009-03-31	Srivastava et al.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	20010039659	A1	2001-11-08	Simmons et al.		

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

	2	20040148393	A1	2004-07-29	Breiter et al.	
	3	20050021369	A1	2005-01-27	Cohen et al.	
	4	20050033780	A1	2005-02-10	Simelius et al.	
	5	20050160270	A1	2005-07-21	Goldberg et al.	
	6	20060085821	A9	2006-04-20	Simmons et al.	
	7	20060168264	A1	2006-07-27	Baba et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<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

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

	1		<input type="checkbox"/>
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If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/Le Luu/	Date Considered	04/04/2011
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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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
/LL/	1	6946988	B2	2005-09-20	Edwards et al.		
/LL/	2	7292588	B2	2007-11-06	Milley et al.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
/LL/	1	2002 20050151327	A1	2002-10-17	Levitt		
Change(s) applied to document, /S.R.R./ 4/5/2011	2	20020173273	A1	2002-11-21	Spurgat et al.		
/LL/	3	20020174243	A1	2002-11-21	Spurgat et al.		
/LL/	4	20020194260	A1	2002-12-19	Headley et al.		

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

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	5903901		1999-05-11	Kawakura et al.		
	2	7035912	B2	2006-04-25	Arteaga		
	3	7047315	B1	2006-05-16	Srivastava		
	4	7269854	B2	2007-09-11	Simmons et al.		
	5	7512702	B1	2009-03-31	Srivastava et al.		
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U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20010039659	A1	2001-11-08	Simmons et al.		

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

	2	20040148393	A1	2004-07-29	Breiter et al.	
	3	20050021369	A1	2005-01-27	Cohen et al.	
	4	20050033780	A1	2005-02-10	Simelius et al.	
	5	20050160270	A1	2005-07-21	Goldberg et al.	
	6	20060085821	A9	2006-04-20	Simmons et al.	
	7	20060168264	A1	2006-07-27	Baba et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

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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	10840109
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	Art Unit	2448
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

	1		<input type="checkbox"/>
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If you wish to add additional non-patent literature document citation information please click the Add button

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.

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

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.

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

A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/R. Chad Bevins/	Date (YYYY-MM-DD)	2011-03-31
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$180
RAM confirmation Number	1266
Deposit Account	501732
Authorized User	BEVINS,R. CHAD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_9.PDF	611931 979a007292c01a9857aefa2549a7fe59bdb8b7b7	no	5
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30577 b638d5801516fb298c35a6c3cc34b3e8a6c1f4af	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			642508		
<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>					

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

PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

RELATED APPLICATIONS

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

FIELD OF THE INVENTION

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

BACKGROUND OF THE INVENTION

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

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

-1-

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NOTICE OF ALLOWANCE AND FEE(S) DUE

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

EXAMINER
LUU, LE HIEN

ART UNIT PAPER NUMBER
2448

DATE MAILED: 02/18/2011

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

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

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

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.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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.

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

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

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

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**
or **Fax (571)-273-2885**

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

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

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.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

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

EXAMINER	ART UNIT	CLASS-SUBCLASS
LUU, LE HIEN	2448	725-141000

<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>
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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.
Row 1: 10/840,109, 05/05/2004, Martin Weel, 1116-063, 9461
Row 2: 71739, 7590, 02/18/2011, [EXAMINER], []
Row 3: [], [], [], [ART UNIT], [PAPER NUMBER]
Row 4: [], [], [], 2448, []

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

EXAMINER
LUU, LE HIEN

ART UNIT
PAPER NUMBER
2448

DATE MAILED: 02/18/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

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

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

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

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

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)	
	10/840,109	WEEL, MARTIN	
	Examiner	Art Unit	
	Le Luu	2448	

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

All claims being allowable, PROSECUTION ON THE 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 papers filed on 02/02/11.
2. The allowed claim(s) is/are 35,37-39,41,43,45-50,52,53 and 59-62.
3. The drawings filed on 05 May 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. 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.


5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (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).
7. 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)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>02/02/11</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


/Le Luu/
Primary Examiner, Art Unit 2448

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected


Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011		
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	4	-	-	-	-	-	-	-	-	-	
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	33	-	-	-	-	-	-	-	-	-	
	34	-	-	-	-	-	-	-	-	-	
1	35	✓	✓	✓	✓	✓	✓	=	=		
	36	✓	-	-	-	-	-	-	-		

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47				
CLAIM		DATE								
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011	02/11/2011	
2	37	✓	✓	✓	✓	✓	✓	=	=	
3	38	✓	✓	✓	✓	✓	✓	=	=	
4	39	✓	✓	✓	✓	✓	✓	=	=	
	40	✓	-	-	-	-	-	-	-	
5	41	✓	✓	✓	✓	✓	✓	=	=	
	42	✓	-	-	-	-	-	-	-	
6	43	✓	✓	✓	✓	✓	✓	=	=	
	44	✓	✓	✓	✓	✓	-	-	-	
7	45	✓	✓	✓	✓	✓	✓	=	=	
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9	47	✓	✓	✓	✓	✓	✓	=	=	
10	48	✓	✓	✓	✓	✓	✓	=	=	
11	49	✓	✓	✓	✓	✓	✓	=	=	
12	50	✓	✓	✓	✓	✓	✓	=	=	
	51	✓	✓	✓	✓	✓	-	-	-	
13	52	✓	✓	✓	✓	✓	✓	=	=	
14	53	✓	✓	✓	✓	✓	✓	=	=	
	54	✓	✓	-	-	-	-	-	-	
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	56		✓	-	-	-	-	-	-	
	57		✓	-	-	-	-	-	-	
	58		✓	-	-	-	-	-	-	
16	59				✓	✓	✓	=	=	
17	60				✓	✓	✓	=	=	
18	61				✓	✓	✓	=	=	
15	62					✓	✓	=	=	

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

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

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

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

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

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

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

	9	7260638	B2	2007-08-21	Crosbie	
	10	7340768	B2	2008-03-04	Rosenberger	
	11	7343160	B2	2008-03-11	Morton	
	12	6993532	B1	2006-01-31	Platt et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

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	20040225519	A1	2004-11-11	Martin	
	2	20060212478	A1	2006-09-21	Plastina et al.	
	3	20030022675	A1	2003-01-30	Mergler	
	4	20030050062	A1	2003-03-13	Chen et al.	
	5	20030229549	A1	2003-12-11	Wolinsky et al.	

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

6	20040107219	A1	2004-06-03	Rosenberger	
7	20040160307	A1	2004-08-19	Saikkonen et al.	
8	20050059379	A1	2005-03-17	Sovio et al.	
9	20050245233	A1	2005-11-03	Anderson	
10	20060212442	A1	2006-09-21	Conrad et al.	
11	20050021470	A1	2005-01-27	Martin et al.	
12	20040260786	A1	2004-12-23	Barile	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

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

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		<input type="checkbox"/>


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EXAMINER SIGNATURE

Examiner Signature	/Le Luu/	Date Considered	place signed= 02/11/2011
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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.

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

ORIGINAL						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
725			141			H	0	4	N	7 / 173 (2011.0)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			
725	133	118																		
709	219																			

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17		33	11	49								
	2		18		34	12	50								
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	4		20		36	13	52								
	5		21	2	37	14	53								
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	8		24		40		56								
	9		25	5	41		57								
	10		26		42		58								
	11		27	6	43	16	59								
	12		28		44	17	60								
	13		29	7	45	18	61								
	14		30	8	46	15	62								
	15		31	9	47										
	16		32	10	48										

NONE	Total Claims Allowed:	
(Assistant Examiner)	(Date)	18
/Le Luu/ Primary Examiner, Art Unit 2448	02/11/2011	O.G. Print Claim(s)
(Primary Examiner)	(Date)	1
		O.G. Print Figure
		1

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)							
Application Number	10/840,109	Filing Date	2004-05-05	Docket Number (if applicable)	1116-063	Art Unit	2448
First Named Inventor	Martin Weel			Examiner Name	Le Hien Luu		
<p>This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV</p>							
SUBMISSION REQUIRED UNDER 37 CFR 1.114							
<p>Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p>							
<p><input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other _____</p> <p><input checked="" type="checkbox"/> Enclosed</p> <p style="margin-left: 40px;"><input type="checkbox"/> Amendment/Reply</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Information Disclosure Statement (IDS)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Affidavit(s)/ Declaration(s)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other _____</p>							
MISCELLANEOUS							
<p><input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)</p> <p><input type="checkbox"/> Other _____</p>							
FEES							
<p>The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No <u>501732</u></p>							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED							
<p><input checked="" type="checkbox"/> Patent Practitioner Signature</p> <p><input type="checkbox"/> Applicant Signature</p>							

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

PTO/SB/30EFS (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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Signature of Registered U.S. Patent Practitioner			
Signature	/Eric P. Jensen/	Date (YYYY-MM-DD)	2011-02-02
Name	Eric P. Jensen	Registration Number	37647

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

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1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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.

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

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

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

	9	7260638	B2	2007-08-21	Crosbie	
	10	7340768	B2	2008-03-04	Rosenberger	
	11	7343160	B2	2008-03-11	Morton	
	12	6993532	B1	2006-01-31	Platt et al.	

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U.S.PATENT APPLICATION PUBLICATIONS

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20040225519	A1	2004-11-11	Martin	
	2	20060212478	A1	2006-09-21	Plastina et al.	
	3	20030022675	A1	2003-01-30	Mergler	
	4	20030050062	A1	2003-03-13	Chen et al.	
	5	20030229549	A1	2003-12-11	Wolinsky et al.	

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

	6	20040107219	A1	2004-06-03	Rosenberger	
	7	20040160307	A1	2004-08-19	Saikkonen et al.	
	8	20050059379	A1	2005-03-17	Sovio et al.	
	9	20050245233	A1	2005-11-03	Anderson	
	10	20060212442	A1	2006-09-21	Conrad et al.	
	11	20050021470	A1	2005-01-27	Martin et al.	
	12	20040260786	A1	2004-12-23	Barile	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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
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If you wish to add additional Foreign Patent Document citation information please click the Add button.

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

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		<input type="checkbox"/>

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EXAMINER SIGNATURE

Examiner Signature	Date Considered	place-signed=
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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	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2448
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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.

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

A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Eric P. Jensen/	Date (YYYY-MM-DD)	2011-02-02
Name/Print	Eric P. Jensen	Registration Number	37,647

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

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

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$810
RAM confirmation Number	96
Deposit Account	501732
Authorized User	JENSEN,ERIC P.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	1116-063_RCE_Filed_2-2-11.pdf	697393 64bfe9364509bb8fec5b77aca71ef25b0699b8f	no	3
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_8.PDF	612417 0f683515474e6a9c8e65937f58ea50b8e70b048	no	6
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30679 933eb43b4bca9f14f3a411ce82d68e5416a3c108	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1340489		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

71739 7590 01/21/2011
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE, SUITE 160
CARY, NC 27518

EXAMINER
LUU, LE HIEN
ART UNIT PAPER NUMBER
2448
DATE MAILED: 01/21/2011

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/840,109 05/05/2004 Martin Weel 1116-063 9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

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 YES \$755 \$300 \$0 \$1055 04/21/2011

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.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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.

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

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

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

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**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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 Alexandria, Virginia 22313-1450
 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)

71739 7590 01/21/2011

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

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.
10/840,109	05/05/2004	Martin Weel	1116-063	9461

TITLE OF INVENTION: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

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

EXAMINER	ART UNIT	CLASS-SUBCLASS
LUU, LE HIEN	2448	709-219000

<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. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 10/840,109 filed 05/05/2004 by Martin Weel, attorney docket no. 1116-063, confirmation no. 9461. Also includes examiner LUU, LE HIEN, art unit 2448, and date mailed 01/21/2011.

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

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

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

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

Notice of Allowability	Application No.	Applicant(s)	
	10/840,109	WEEL, MARTIN	
	Examiner	Art Unit	
	Le Luu	2448	

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

All claims being allowable, PROSECUTION ON THE 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 papers filed on 11/08/10.
2. The allowed claim(s) is/are 35,37-39,41,43,45-50,52,53 and 59-62.
3. The drawings filed on 05 May 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. 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.


5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (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).
7. 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)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>08/12/10</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Le Luu/
Primary Examiner, Art Unit 2448


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

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

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

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


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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE								
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011		
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	34	-	-	-	-	-	-	-		
1	35	✓	✓	✓	✓	✓	✓	=		
	36	✓	-	-	-	-	-	-		

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE								
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010	01/14/2011		
2	37	✓	✓	✓	✓	✓	✓	=		
3	38	✓	✓	✓	✓	✓	✓	=		
4	39	✓	✓	✓	✓	✓	✓	=		
	40	✓	-	-	-	-	-	-		
5	41	✓	✓	✓	✓	✓	✓	=		
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6	43	✓	✓	✓	✓	✓	✓	=		
	44	✓	✓	✓	✓	✓	-	-		
7	45	✓	✓	✓	✓	✓	✓	=		
8	46	✓	✓	✓	✓	✓	✓	=		
9	47	✓	✓	✓	✓	✓	✓	=		
10	48	✓	✓	✓	✓	✓	✓	=		
11	49	✓	✓	✓	✓	✓	✓	=		
12	50	✓	✓	✓	✓	✓	✓	=		
	51	✓	✓	✓	✓	✓	-	-		
13	52	✓	✓	✓	✓	✓	✓	=		
14	53	✓	✓	✓	✓	✓	✓	=		
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	58		✓	-	-	-	-	-		
16	59				✓	✓	✓	=		
17	60				✓	✓	✓	=		
18	61				✓	✓	✓	=		
15	62					✓	✓	=		

EAST Search History

EAST Search History (Prior Art)

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

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

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

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

S28	593	725/133.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:42
S29	8004	709/219.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:42
S30	12	S25 and (S26 or S27 or S28 or S29)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/01/10 14:43

EAST Search History (Interference)


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

S39	8090	709/219.ccls.	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:45
S40	9601	S36 or S37 or S38 or S39	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:51
S41	67	S35 and S40	US-PGPUB; USPAT; UPAD	ADJ	ON	2011/01/10 14:51

1/13/11 10:32:30 AM

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

ORIGINAL						INTERNATIONAL CLASSIFICATION									
CLASS			SUBCLASS			CLAIMED				NON-CLAIMED					
725			141			H	0	4	N	7 / 173 (2011.01.01)					
CROSS REFERENCE(S)															
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)														
725	133	118													
709	219														

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	13		29	7	45	18	61								
	14		30	8	46	15	62								
	15		31	9	47										
	16		32	10	48										

NONE	Total Claims Allowed:	
(Assistant Examiner)	(Date)	18
/Le Luu/ Primary Examiner, Art Unit 2448	01/14/2011	O.G. Print Claim(s)
(Primary Examiner)	(Date)	1
		O.G. Print Figure
		1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2484 2448
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	6970703	B2	2005-11-29	Fuchs et al.		
	2	7240106	B2	2007-07-03	Cochran et al.		
	3	7373109	B2	2008-05-13	Pohja et al.		

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	20090315670	A1	2009-12-24	Naressi et al.		
	2	20050251453	A1	2005-11-10	Lu		
	3	20080288375	A1	2008-11-20	Uhrig et al.		

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

4	20090085724	A1	2009-04-02	Naressi et al.	
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	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

NON-PATENT LITERATURE DOCUMENTS				<input type="button" value="Remove"/>	
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				<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button.

EXAMINER SIGNATURE			
Examiner Signature	/Le Luu/		Date Considered 01/10/2011

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel
Serial No. 10/840,109
Attorney Docket No. 1116-063
Filed: 05/05/2004
For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

Examiner: Le Hien Luu
Art Unit: 2448

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

Sir:

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

APPEAL BRIEF

(1) REAL PARTY IN INTEREST

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

(2) RELATED APPEALS AND INTERFERENCES

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

(3) STATUS OF CLAIMS

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

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

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

(4) STATUS OF AMENDMENTS

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

(5) SUMMARY OF CLAIMED SUBJECT MATTER

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

Independent claim 35 recites a method for obtaining media, the method comprising:
displaying on a first device at least one device identifier identifying a second device (**see Figure 4, element 45; see also Specification, paragraph 0106**);
selecting, via user input at the first device, the at least one device identifier (**see Figure 4, element 45; see also Specification, paragraph 0106**);
receiving on the first device a playlist, the received playlist comprising a plurality of media item identifiers (**see Figure 4, element 44; see also Specification, paragraph 0105**);
selecting at least one media item identifier from the received playlist (**see Figure 4, element 46; see also Specification, paragraph 0108**); and
directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device (**see Figure 4, elements 48 and 49; see also Specification, paragraphs 0110 and 0111**).

Independent claim 48 recites a method for obtaining a song, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers (**see Figure 4, element 44; see also Specification, paragraphs 0098 and 0105**);
displaying on the first device at least one device identifier identifying a second device (**see Figure 4, element 45; see also Specification, paragraph 0106**);
selecting, via user input at the first device, the at least one device identifier (**see Figure 4, element 45; see also Specification, paragraph 0106**);

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

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

Independent claim 53 recites a device for selecting a media item, the device comprising: a display for displaying at least one device identifier and also for facilitating selection thereof (see **Figure 4, element 45; see also Specification, paragraph 0106**);

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

wherein the device is configured to facilitate:

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

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

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

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

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

Independent claim 59 recites a method for obtaining media, the method comprising:

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

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

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

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

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

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

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

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

Independent claim 60 recites a method for obtaining media, the method comprising:

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

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

(7) ARGUMENT**A. Introduction**

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

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

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

B. Legal Standards for Establishing Obviousness

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

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Courts have interpreted 35 U.S.C. § 103(a) as a question of law based on underlying facts. As the Federal Circuit stated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Claim 35

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

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

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

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

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

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

Claim 48

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

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

Claim 53

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

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

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

Claim 59

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

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

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

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

Claim 60

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

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

Claim 61

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

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

D. Conclusion

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

Respectfully submitted,

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Date: 8 NOV 10
Attorney Docket: 1116-063

(8) CLAIMS APPENDIX

1–34. (Cancelled).

35. A method for obtaining media, the method comprising:
displaying on a first device at least one device identifier identifying a second device;
selecting, via user input at the first device, the at least one device identifier;
receiving on the first device a playlist, the received playlist comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device.

36. (Cancelled).

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

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

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

40. (Cancelled).

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

42. (Cancelled).

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

44. (Cancelled).

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

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

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

48. A method for obtaining a song, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;
displaying on the first device at least one device identifier identifying a second device;

selecting, via user input at the first device, the at least one device identifier;
selecting a song identifier from the playlist; and
directing, from the first device, the second device to obtain a song identified by the song identifier without user input via the second device.

49. The method of claim 48, further comprising:
requesting, by the second device, the song identified by the song identifier from a content server; and
downloading the song from the content server to the second device.

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

51. (Cancelled).

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

53. A device for selecting a media item, the device comprising:
a display for displaying at least one device identifier and also for facilitating selection thereof;
a network transceiver for facilitating communication between the device and at least one second device on a network;
wherein the device is configured to facilitate:
displaying on the display the at least one device identifier identifying at least one second device;
selecting, via user input at the device, the at least one device identifier;
receiving a playlist via the network transceiver;
selecting at least one media item name from the playlist; and
directing, from the device, the at least one second device to send information representative of the at least one media item name to a content server without user input

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

54–58. (Cancelled).

59. A method for obtaining media, the method comprising:
displaying on a first device at least one device identifier identifying a second device;
selecting, via user input at the first device, the at least one device identifier;
displaying on the first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing the second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server and to play the media item.

60. A method for obtaining media, the method comprising:
displaying on a first device a plurality of device identifiers;
selecting, via user input at the first device, one of the plurality of device identifiers, wherein the one of the plurality of device identifiers identifies a second device;
sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing, from the first device, the second device to receive a media item identified by the at least one media item identifier from a content server without user input via the second device server and to play the media item.

61. A method of directing a second device from a first device, the method comprising:
displaying on the first device a plurality of device identifiers;
selecting, via user input at the first device, one of the plurality of device identifiers,
wherein the one of the plurality of device identifiers identifies the second device;
sending, from the first device, at least one attribute of a playlist corresponding to a
selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist
corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting, at the first device, at least one media item identifier from the received playlist;
and
directing, from the first device and in the absence of user input via the second device, the
second device to obtain a media item identified by the at least one media item identifier from a
content server and to play the media item.
62. The device of claim 53 wherein the device comprises a remote control device that is not
capable of playing the media item corresponding to the at least one media item name.

(9) EVIDENCE APPENDIX

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

(10) RELATED PROCEEDINGS APPENDIX

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

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 540
RAM confirmation Number	1919
Deposit Account	501732
Authorized User	JENSEN,ERIC P.

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Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	1116-063_Appeal_Brief_Filed_11-8-10.pdf	2223512 38c22a8ab6b9f40247d800956928717c2861d9c2	no	21

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	29960 d01f0381f961bb08df9818a8d75296c4c0ffc4e2	no	2
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Warnings:

Information:

Total Files Size (in bytes):			2253472		
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 1116-063	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		In re Application of Martin Weel	
		Application Number 10/840,109	Filed 05/05/2004
		For PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK	
		Art Unit 2454	Examiner Le Hien Luu
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>540.00</u> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____ <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1732</u> . <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. <p style="text-align: center;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> I am the <input type="checkbox"/> applicant/inventor. /Eric P. Jensen/ _____ Signature <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) Eric P. Jensen _____ Typed or printed name <input checked="" type="checkbox"/> attorney or agent of record. <u>37,647</u> Registration number _____ 919-238-2300 _____ Telephone number <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ September 8, 2010 _____ Date NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

Electronic Patent Application Fee Transmittal

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

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 540
RAM confirmation Number	1905
Deposit Account	501732
Authorized User	JENSEN,ERIC P.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	1116-063_Notice_of_Appeal_Filed_9-8-10.pdf	244548 e387aa0e9046059b5f27a7a90c49c7c3ac479911	no	2
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	29915 dbc823c13a12d5bc5d0511632538859c1aaeb0f6	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			274463		
<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>					

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

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	6970703	B2	2005-11-29	Fuchs et al.		
	2	7240106	B2	2007-07-03	Cochran et al.		
	3	7373109	B2	2008-05-13	Pohja et al.		

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20090315670	A1	2009-12-24	Naressi et al.		
	2	20050251453	A1	2005-11-10	Lu		
	3	20080288375	A1	2008-11-20	Uhrig et al.		

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

4	20090085724	A1	2009-04-02	Naressi et al.	
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If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

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		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button.

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at 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	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2454
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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	/R. Chad Bevins/	Date (YYYY-MM-DD)	2010-08-12
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal

Application Number:	10840109			
Filing Date:	05-May-2004			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Filer:	R. Chad Bevins/Julie Smith			
Attorney Docket Number:	1116-063			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$180
RAM confirmation Number	11973
Deposit Account	501732
Authorized User	BEVINS,R. CHAD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_7.PDF	611750 2087415f2160cc07f5313b4275e90b7f46224ade	no	4
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30272 6f6324cb7ebec5e80ec1fb099b693db33e36aba6	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			642022		
<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>					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/840,109	05/05/2004	Martin Weel	1116-063

71739
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

CONFIRMATION NO. 9461
POA ACCEPTANCE LETTER



0C000000042906090

Date Mailed: 08/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

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

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/hchristian/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/840,109	05/05/2004	Martin Weel	1116-063

71739
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

CONFIRMATION NO. 9461
POWER OF ATTORNEY NOTICE



0C000000042906071

Date Mailed: 08/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

/hchristian/

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number: 71739

OR
 Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number		Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number: 71739

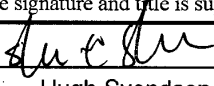
OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:
 Dryden Enterprises, LLC.
 1000 North West Street, Suite1200
 Wilmington, Delaware, 19801

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record
 The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	6/11/2010
Name	Hugh Svendsen	Telephone	919-433-1845
Title	Member		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Dryden Enterprises, LLC
Application No./Patent No.: 10/840,109 Filed/Issue Date: 5/05/2004

Titled: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

Dryden Enterprises, LLC, a limited liability company
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest in;
 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Martin Weel To: MusicStream, LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 016272, Frame 0095, or for which a copy thereof is attached.

2. From: Elario, Inc. To: Concert Technology Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 019311, Frame 0817, or for which a copy thereof is attached.

3. From: Concert Technology Corporation To: ConPact, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 019610, Frame 0690, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

July 30, 2010

Date

R. Chad Bevins

Printed or Typed Name

Attorney of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Statement Under 37 CFR 3.73(b) – Supplemental Sheet

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

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

Reel 024606 _____, Frame 0249 _____, or for which a copy thereof is attached.

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	1116-063_Dryden_POA.pdf	67516 94b270341be96dffda0b259eb944d9c9b7cacc76	no	1

Warnings:

Information:

2	Assignee showing of ownership per 37 CFR 3.73(b).	1116-063_Statement_Under_3-73b.pdf	123119 1d6a7c329d7286160ed1e9a1245be7091fb36f3c	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				190635	
<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>					



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/840,109 05/05/2004 Martin Weel 1116-063 9461

71739 7590 06/08/2010
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2454

MAIL DATE DELIVERY MODE

06/08/2010

PAPER

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

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

Office Action Summary	Application No. 10/840,109	Applicant(s) WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2454	

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02/26/10 - 03/10/10.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35,37-39,41,43,45-50,52,53 and 59-62 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35,37-39,41,43,45-50,52,53 and 59-62 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/10/10</u> . | 6) <input type="checkbox"/> Other: _____ |

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

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

displaying on a first device at least one user identifier identifying a second device (Fig 3; pages 3-4, paragraphs [0024 - 0029]);

selecting, via user input at the first device, the at least one user identifier (Fig 3; pages 3-4, paragraphs [0024 - 0029]);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/

Primary Examiner, Art Unit 2454

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

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2004/0119894	06-2004	Higgins et al.	348/734
	B US-			
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				


*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47


CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010		
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	34	-	-	-	-	-	-		
	35	✓	✓	✓	✓	✓	✓		
	36	✓	-	-	-	-	-		

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009	05/26/2010		
	37	✓	✓	✓	✓	✓	✓		
	38	✓	✓	✓	✓	✓	✓		
	39	✓	✓	✓	✓	✓	✓		
	40	✓	-	-	-	-	-		
	41	✓	✓	✓	✓	✓	✓		
	42	✓	-	-	-	-	-		
	43	✓	✓	✓	✓	✓	✓		
	44	✓	✓	✓	✓	✓	-		
	45	✓	✓	✓	✓	✓	✓		
	46	✓	✓	✓	✓	✓	✓		
	47	✓	✓	✓	✓	✓	✓		
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	59				✓	✓	✓		
	60				✓	✓	✓		
	61				✓	✓	✓		
	62					✓	✓		

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

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

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

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	5790426		1998-08-04	Robinson		
	2	5884282		1999-03-16	Robinson		
	3	6317722	B1	2001-11-13	Jacobi et al.		
	4	6675268	B1	2004-01-06	DeKoning et al.		
	5	6853841	B1	2005-02-08	St. Pierre		
	6	7075000	B2	2006-07-11	Gang et al.		
	7	7134040	B2	2006-11-07	Ayres		
	8	7516212	B2	2009-04-07	Nguyen et al.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add

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

U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20040002938	A1	2004-01-01	Deguchi		
	2	20040057348	A1	2004-03-25	Shteyn et al.		
	3	20050210507	A1	2005-09-22	Hawkins et al.		
	4	20060059260	A1	2006-03-16	Kelly et al.		
	5	20080133520	A1	2008-06-05	Hempleman et al.		
	6	20080033821	A1	2008-02-07	Jacobi et al.		
	7	20070247979	A1	2007-10-25	Brillon et al.		

If you wish to add additional U.S. Published Application citation information please click the Add button.

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

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

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Examiner Signature	/Le Luu/	Date Considered	06/05/2010
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martin Weel		
	Art Unit	2454		
	Examiner Name	Le Hien Luu		
	Attorney Docket Number	1116-063		

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	5790426		1998-08-04	Robinson		
	2	5884282		1999-03-16	Robinson		
	3	6317722	B1	2001-11-13	Jacobi et al.		
	4	6675268	B1	2004-01-06	DeKoning et al.		
	5	6853841	B1	2005-02-08	St. Pierre		
	6	7075000	B2	2006-07-11	Gang et al.		
	7	7134040	B2	2006-11-07	Ayres		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10840109
	Filing Date	2004-05-05
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	Art Unit	2454
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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

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

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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.

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	Filing Date	2004-05-05
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	Art Unit	2454
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Acknowledgement Receipt

EFS ID:	7184875
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	R. Chad Bevins/Julie Smith
Filer Authorized By:	R. Chad Bevins
Attorney Docket Number:	1116-063
Receipt Date:	10-MAR-2010
Filing Date:	05-MAY-2004
Time Stamp:	19:54:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_6.pdf	612541 <small>66dcd98e45b6ae6eb0b74fd39df70262fb0e89e7</small>	no	5

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel

Serial No. 10/840,109

Filed: 05/05/2004

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

Examiner: Le Hien Luu

Art Unit: 2454

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

Sir:

RESPONSE TO THE OFFICE ACTION MAILED OCTOBER 26, 2009

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

In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for obtaining media, the method comprising:
~~displaying on a first device a plurality of playlist names;~~
~~selecting one of the plurality of playlist names;~~
~~sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;~~
displaying on a first device at least one device identifier identifying a second device;
selecting, via user input at the first device, the at least one device identifier;
receiving on the first device a playlist ~~from the playlist server~~, the received playlist ~~corresponding to the at least one attribute and~~ comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing, from the first device, the ~~the~~ ~~[[a]]~~ second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device.

36. (Cancelled).

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

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

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

40. (Cancelled).

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

42. (Cancelled).

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

44. (Cancelled).

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

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

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.
48. (Currently Amended) A method for obtaining a song, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;
displaying on the first device at least one device identifier identifying a second device;
selecting, via user input at the first device, the at least one device identifier;
selecting a song identifier from the playlist; and
directing, from the first device, ~~[[a]]~~ the second device to obtain a song identified by the song identifier without user input via the second device.
49. (Previously Presented) The method of claim 48, further comprising:
requesting, by the second device, the song identified by the song identifier from a content server; and
downloading the song from the content server to the second device.
50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.
51. (Cancelled).
52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.
53. (Currently Amended) A device for selecting a media item, the device comprising:
a display for displaying at least one device identifier ~~a list of playlist names and media item names~~ and also for facilitating selection thereof;
a network transceiver for facilitating communication between the device and at least one second device on a network;

wherein the device is configured to facilitate:

~~displaying the list of playlist names on the display;~~

~~selecting one of the displayed playlist names;~~

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

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

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

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

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

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

54-58. (Cancelled).

59. (Currently Amended) A method for obtaining media, the method comprising:

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

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

displaying on [[a]] the first device a plurality of playlist names;

selecting one of the plurality of playlist names;

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

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

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

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

60. (Currently Amended) A method for obtaining media, the method comprising:
displaying on a first device a plurality of device identifiers;
selecting, via user input at the first device, one of the plurality of device identifiers,
wherein the one of the plurality of device identifiers identifies a second device;
sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;
receiving on [[a]] the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing, from the first device, [[a]] the second device to receive a media item identified by the at least one media item identifier from a content server without user input via the second device server and to play the media item.

61. (Currently Amended) A method of directing a second device from a first device, the method comprising:
displaying on the first device a plurality of device identifiers;
selecting, via user input at the first device, one of the plurality of device identifiers,
wherein the one of the plurality of device identifiers identifies the second device;
sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting, at the first device, at least one media item identifier from the received playlist;
and
directing, from the first device and in the absence of user input via the second device, the second device to obtain a media item identified by the at least one media item identifier from a content server and to play the media item.

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

REMARKS

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

Status of the Claims

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

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

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

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

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

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

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

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

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


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

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

Conclusion

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

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

By: 

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

Date: February 26, 2010
Attorney Docket: 1116-063

Electronic Patent Application Fee Transmittal

Application Number:	10840109			
Filing Date:	05-May-2004			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Filer:	Benjamin Withrow/Sarah Fass			
Attorney Docket Number:	1116-063			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	1251	1	130	130

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

Electronic Acknowledgement Receipt

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

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$130
RAM confirmation Number	8771
Deposit Account	501732
Authorized User	JENSEN,ERIC P.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		1116-063_Response_to_OA_m ailed_10-26-09.pdf	1289900 9b214ca76d32bd92fd102f0fd18128cf5a8d c7f9	yes	11
	Multipart Description/PDF files in .zip description				
	Document Description		Start		End
	Amendment/Req. Reconsideration-After Non-Final Reject		1		1
	Claims		2		7
	Applicant Arguments/Remarks Made in an Amendment		8		11
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	29834 4ca2a42fe0339f29c46eee74e6b287c8c15b bade	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1319734		
<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>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/840,109	Filing Date 05/05/2004	<input type="checkbox"/> To be Mailed				
APPLICATION AS FILED – PART I					OTHER THAN						
(Column 1)		(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/>		OR		SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA			RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A			N/A		OR		N/A		
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A			N/A		OR		N/A		
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A			N/A		OR		N/A		
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*			X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*			X \$ =		OR		X \$ =		
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
APPLICATION AS AMENDED – PART II					OTHER THAN						
(Column 1)		(Column 2)		(Column 3)	SMALL ENTITY		OR		SMALL ENTITY		
AMENDMENT	02/26/2010	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(j))</small>	* 18	Minus	** 34	= 0	X \$26 =	0	OR		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 6	Minus	*** 10	= 0	X \$110 =	0	OR		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>										
						TOTAL ADD'L FEE	0	OR		TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)	SMALL ENTITY		OR		SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)	
	Total <small>(37 CFR 1.16(j))</small>	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		OR		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>										
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.											
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

Legal Instrument Examiner:
 /EVELYN G. NIMMONS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

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

71739 7590 10/26/2009
WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

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

2454

MAIL DATE	DELIVERY MODE
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10/26/2009

PAPER

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

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

Office Action Summary	Application No. 10/840,109	Applicant(s) WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2454	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June 2009.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35,37-39,41,43-53 and 59-62 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35,37-39,41,43-53 and 59-62 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

1. Claims 35, 37-39, 41, 43-53, and 59-62 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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

Page 5

/Le Luu/

Primary Examiner, Art Unit 2454

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

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2005/0113946	05-2005	Janik, Craig M.	700/094
*	B US-2006/0218180	09-2006	Bodlaender et al.	707/103.00R
*	C US-2004/0031058	02-2004	Reisman, Richard	725/112
*	D US-2002/0194619	12-2002	Chang et al.	725/134
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				


*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE									
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009					
	1	-	-	-	-	-					
	2	-	-	-	-	-					
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	34	-	-	-	-	-					
	35	✓	✓	✓	✓	✓					
	36	✓	-	-	-	-					

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

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE								
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009	10/21/2009				
	37	✓	✓	✓	✓	✓				
	38	✓	✓	✓	✓	✓				
	39	✓	✓	✓	✓	✓				
	40	✓	-	-	-	-				
	41	✓	✓	✓	✓	✓				
	42	✓	-	-	-	-				
	43	✓	✓	✓	✓	✓				
	44	✓	✓	✓	✓	✓				
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	56		✓	-	-	-				
	57		✓	-	-	-				
	58		✓	-	-	-				
	59				✓	✓				
	60				✓	✓				
	61				✓	✓				
	62					✓				

EAST Search History

EAST Search History (Prior Art)

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


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

EAST Search History (Interference)

<This search history is empty>

10/22/09 9:28:56 AM

**C:\Documents and Settings\lluu\My Documents\EAST\Workspaces\10-840109 PD-20040505
Download playlist from server.wsp**

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

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

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

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/L. L./ Primary Examiner. Art Unit 2454
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

Examiner: Le Hien Luu
Art Unit: 2441

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

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

Sir:

RESPONSE TO THE OFFICE ACTION MAILED MARCH 18, 2009

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

In the Claims:

- 1-34. (Cancelled).
35. (Currently Amended) A method for obtaining media, the method comprising:
displaying on a first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing, from the first device, a second device to receive a media item identified by the at least one media item identifier from a content server, without user input via the second device.
36. (Cancelled)
37. (Previously Presented) The method as recited in claim 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.
38. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device.
39. (Previously Presented) The method as recited in claim 35, wherein the first device comprises a remote control operative to control the second device and the second device comprises a media rendering device.
40. (Cancelled)

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

42. (Cancelled)

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

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

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

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

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.
48. (Currently Amended) A method for obtaining a song, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;
selecting a song identifier from the playlist; and
directing, from the first device, a second device to obtain a song identified by the song identifier without user input via the second device.
49. (Previously Presented) The method of claim 48, further comprising:
requesting, by the second device, the song identified by the song identifier from a content server; and
downloading the song from the content server to the second device.
50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.
51. (Previously Presented) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.
52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.
53. (Currently Amended) A device for selecting a media item, the device comprising:
a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;
a network transceiver for facilitating communication between the device and at least one second device on a network;
wherein the device is configured to facilitate:

displaying the list of playlist names on the display;
selecting one of the displayed playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;
receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;
selecting at least one media item name from the playlist; and
directing, from the first device, the at least one second device to send information representative of the at least one media item name to a content server without user input via the second device, and to receive a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

59. (Previously Presented) A method for obtaining media, the method comprising:
displaying on a first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing a second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server.

60. (Currently Amended) A method for obtaining media, the method comprising:
sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;
receiving on a first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and

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

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

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

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

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

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

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

REMARKS

Applicant has carefully reviewed the Office Action mailed March 18, 2009 and offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 35, 37-39, 41, 43-53, and 59-61 were previously pending. Claims 1-34, 36, 40, 42, and 54-58 were previously cancelled. Claims 35, 48, 53, and 60 have been amended to clarify that Applicant's invention relates to a first device directing a second device to obtain or receive content based on directions from the first device, without user input via the second device. Applicant notes that this limitation was previously recited in independent claims 59 and 61, but was not addressed by the Patent Office in the Office Action mailed March 18, 2009. Applicant has added new dependent claim 62 to recite further features of the first device. Accordingly, claims 35, 37-39, 41, 43-53, and 59-62 are pending.

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

Claims 35, 37-39, 41, and 43-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto") in view of U.S. Patent Application Publication No. 2003/0225834 A1 to Lee et al. (hereinafter "Lee"). Applicant respectfully traverses. When determining whether a claim is obvious, an Examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "*there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*" *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. The second device is directed by the first device, without user input at the second

device. Both Szeto and Lee, as discussed more fully herein, require user input via the second device and, consequently, cannot render obvious Applicant's claimed invention.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid.*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid.*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, Applicant's claimed invention directs or instructs a second device to obtain or receive a song. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which a user could not affirmatively select a hyperlink, such as a stereo receiver, a television, and the like.

The Patent Office concedes that Szeto fails to disclose a first device directing a second device to obtain or receive a song (Office Action mailed March 18, 2009, p. 3). The Patent Office suggests Lee discloses such features and asserts it would be obvious to combine the teachings of Lee with Szeto. Lee discloses a method and system for sharing dynamic content (Lee, Abstract). Lee discloses that an inviter computer may invite an invitee computer to share an audio experience (*Id.* at para 48). Lee discloses that the user of the invitee computer must accept an invitation from the inviter computer before the audio experience may be shared (*Id.* at paras. 49, 54, and 56, for example). Thus, similarly to Szeto, Lee requires user input via the second device prior to the initiation of a shared audio experience. In direct contrast, each of Applicant's independent claims require that the first device direct the second device without user input via the second device. Although this limitation was previously recited in independent claims 59 and 61, the Patent Office in its rejection of such claims stated “[c]laims 48-54 and 56-61 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale” (Office Action mailed March 18, 2009, p. 4). However, that statement is not accurate because at least claims 59 and 61 included limitations that differed from claims 35-47.

Applicant further notes that Szeto requires the second user to select a link on the second device because the first device is not even aware of the selection of the link by the second user,

or concerned about what is occurring on the second device. Thus, it would be contradictory to the invention disclosed in Szeto for the second device to obtain or receive the media content item without user input via the second device. Lee requires the second user (i.e., the user at the invitee computer) to acknowledge assent by accepting an invitation because the invention is focused on a shared audio experience. It would thus be inconsistent with Lee to force the second user to listen to music that the second user has no desire or interest to listen to. Consequently, not only do Szeto and Lee fail to teach or suggest Applicant's claimed invention, but it would not be obvious in view of Szeto and/or Lee to direct a second device to obtain or receive a media item without user input via the second device because such action would directly conflict with the goals of either invention. For at least the foregoing reasons, Applicant submits that neither Szeto or Lee, either alone or in combination, render Applicant's claimed invention obvious, and that Applicant's claims 35, 48, 53, 59, 60 and 61 are therefore allowable.

Claims 37-39, 41, 43-47, and 49-52 are dependent claims that depend directly or indirectly from claim 35, 48, or 53, respectively. Claims 37-39, 41, 43-47, and 49-52 are therefore allowable for at least the same reasons set forth above with respect to claims 35, 48, and 53. However, Applicant reserves the right to further address the rejection of claims 37-39, 41, 43-47, and 49-52 in the future, if needed.

Applicant's new claim 62 recites a further aspect of Applicant's invention wherein the first device is a remote control device that is not capable of playing the media item corresponding to the at least one media item name. Applicant submits that neither Szeto nor Lee disclose such an invention, nor would either invention work without a first device that plays the media item. In Szeto, the first device must play the media item because it is by virtue of the first device playing the media item that the second device is even aware of the media item. In Lee, the first device must play the media item because the invention is focused on a shared audio experience, and there could be no shared audio experience unless both devices were capable of playing the media item. Thus, Applicant submits claim 62 is allowable over Szeto and Lee.

Conclusion

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

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

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Telephone: (919) 238-2300

Date: June 17, 2009
Attorney Docket: 1116-063

Electronic Acknowledgement Receipt

EFS ID:	5530656
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	17-JUN-2009
Filing Date:	05-MAY-2004
Time Stamp:	10:46:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		1116-063_Response_to_OA_mailed_3-18-09.pdf	122690 <small>0588750b652776353a4ae0cb2a142e21ed0390a9</small>	yes	10

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Amendment/Req. Reconsideration-After Non-Final Reject		1	1
Claims		2	6
Applicant Arguments/Remarks Made in an Amendment		7	10
Warnings:			
Information:			
Total Files Size (in bytes):		122690	
<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>			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/840,109	Filing Date 05/05/2004	<input type="checkbox"/> To be Mailed				
APPLICATION AS FILED – PART I					OTHER THAN						
(Column 1)		(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/>		OR		SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA			RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A			N/A		OR		N/A		
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A			N/A		OR		N/A		
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A			N/A		OR		N/A		
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*			X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*			X \$ =		OR		X \$ =		
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
APPLICATION AS AMENDED – PART II					OTHER THAN						
(Column 1)		(Column 2)		(Column 3)	SMALL ENTITY		OR		SMALL ENTITY		
AMENDMENT	06/17/2009	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(j))</small>	* 19	Minus	** 34	= 0	X \$26 =	0	OR		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 6	Minus	*** 10	= 0	X \$110 =	0	OR		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>										
TOTAL ADD'L FEE						0	OR		TOTAL ADD'L FEE		
(Column 1)		(Column 2)		(Column 3)	SMALL ENTITY		OR		SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(j))</small>	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		OR		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>										
TOTAL ADD'L FEE							OR		TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											
Legal Instrument Examiner: /DIANE FLOYD/											

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/840,109 05/05/2004 Martin Weel 1116-063 9461

71739 7590 03/18/2009
CONCERT TECHNOLOGY AND WITHROW & TERRANOVA
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2441

MAIL DATE DELIVERY MODE

03/18/2009

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/840,109	WEEL, MARTIN	
	Examiner	Art Unit	
	Le Luu	2441	

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 February 2009.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35,37-39,41,43-53 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35,37-39,41,43-53 and 59-61 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/20/09.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

1. Claims 35, 37-39, 41, and 43-61 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35, 37-39, 41, and 43-61 rejected under 35 U.S.C. § 103 (a) as being unpatentable Szeto et al. (Szeto) Pub. No. 2005/0262204, in view of Lee et al. (Lee), Pub. No. 2003/0225834.

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

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

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

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

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

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

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

However, Szeto does not explicitly teach the directing step is directed by the first user.

Lee teaches an inviter computer communicates to an invitee computer information relating to shared dynamic content experience at the inviter computer and directs the invitee computer to stream a track directly from content server (pages 4-5, paragraphs [0039 – 0040, 0050 - 0052]; pages 7-8, paragraphs [0071 – 0076], page 10, paragraph [0101]).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Szeto and Lee to have the first device directs the second device to receive a media item because it would allow online co-users to listen to the same song automatically at the same time.

5. As to claims 37-39, 41, 43-47, and 55, Szeto and Lee teach a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control to control the second device; the attribute selected from a

group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Szeto, Fig 3; pages 1-4, paragraphs [0015, 0023 – 0029]; Lee, page 2, paragraph [0025]; pages 4-5, paragraphs [0039 – 0040, 0050 - 0052]; pages 7-8, paragraphs [0071 – 0076], page 10, paragraph [0101]).

6. Claims 48-54 and 56-61 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Application/Control Number: 10/840,109
Art Unit: 2441

Page 5

Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/

Primary Examiner, Art Unit 2441

Notice of References Cited	Application/Control No. 10/840,109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2441	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2003/0225834	12-2003	Lee et al.	709/204
*	B US-2004/0133914	07-2004	Smith et al.	725/086
*	C US-2004/0205028	10-2004	Verosub et al.	705/059
	D US-			
	E US-			
	F US-			
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	H US-			
	I US-			
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	L US-			
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	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2441 2441
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	6882299	B1	2005-04-19	Allport	
	2	6041311		2000-03-21	Chislenko et al.	
	3	6088722		2000-07-11	Herz et al.	
	4	7000188	B1	2006-02-14	Eustace	
	5	5616876		1997-04-01	Cluts	
	6	6865600	B1	2005-03-08	Brydon et al.	
	7	7081579	B2	2006-07-25	Alcalde et al.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martin Weel		
	Art Unit	2141 2441		
	Examiner Name	Le Hien Luu		
	Attorney Docket Number	1116-063		

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	1	20030229900	A1	2003-12-11	Reisman	
	2	20040031058	A1	2004-02-12	Reisman	
	3	20070219996	A1	2007-09-20	Jarvinen	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martin Weel		
	Art Unit	2441 2441		
	Examiner Name	Le Hien Luu		
	Attorney Docket Number	1116-063		

	10	20040162830	A1	2004-08-19	Shirwadkar et al.	
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	17	20030236843	A1	2003-12-25	Weber et al.	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	10840109
	Filing Date	2004-05-05
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	Examiner Name	Le Hien Luu
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<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>			

Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2441

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009				
	1	-	-	-	-				
	2	-	-	-	-				
	3	-	-	-	-				
	4	-	-	-	-				
	5	-	-	-	-				
	6	-	-	-	-				
	7	-	-	-	-				
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	31	-	-	-	-				
	32	-	-	-	-				
	33	-	-	-	-				
	34	-	-	-	-				
	35	✓	✓	✓	✓				
	36	✓	-	-	-				

Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2441

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008	01/08/2009	03/16/2009				
	37	✓	✓	✓	✓				
	38	✓	✓	✓	✓				
	39	✓	✓	✓	✓				
	40	✓	-	-	-				
	41	✓	✓	✓	✓				
	42	✓	-	-	-				
	43	✓	✓	✓	✓				
	44	✓	✓	✓	✓				
	45	✓	✓	✓	✓				
	46	✓	✓	✓	✓				
	47	✓	✓	✓	✓				
	48	✓	✓	✓	✓				
	49	✓	✓	✓	✓				
	50	✓	✓	✓	✓				
	51	✓	✓	✓	✓				
	52	✓	✓	✓	✓				
	53	✓	✓	✓	✓				
	54	✓	✓	-	-				
	55		✓	-	-				
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	57		✓	-	-				
	58		✓	-	-				
	59				✓				
	60				✓				
	61				✓				

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)							
Application Number	10/840,109	Filing Date	2004-05-05	Docket Number (if applicable)	1116-063	Art Unit	2441
First Named Inventor	Martin Weel			Examiner Name	Le Hien Luu		
<p>This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV</p>							
SUBMISSION REQUIRED UNDER 37 CFR 1.114							
<p>Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p>							
<p><input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other _____</p> <p><input checked="" type="checkbox"/> Enclosed</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Amendment/Reply</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Information Disclosure Statement (IDS)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Affidavit(s)/ Declaration(s)</p> <p style="margin-left: 40px;"><input type="checkbox"/> Other _____</p>							
MISCELLANEOUS							
<p><input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)</p> <p><input checked="" type="checkbox"/> Other _____ One-Month Extension of Time</p>							
FEES							
<p>The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No <u>501732</u></p>							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED							
<p><input checked="" type="checkbox"/> Patent Practitioner Signature</p> <p><input type="checkbox"/> Applicant Signature</p>							

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

PTO/SB/30EFS (03/08)
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Signature of Registered U.S. Patent Practitioner			
Signature	/Eric P. Jensen/	Date (YYYY-MM-DD)	2009-02-20
Name	Eric P. Jensen	Registration Number	37647

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

Examiner: Le Hien Luu
Art Unit: 2441

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

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

Sir:

RESPONSE TO THE ADVISORY ACTION MAILED JANUARY 12, 2009

In response to the Advisory Action mailed January 12, 2009, Applicant offers the following amendments and remarks to accompany a currently filed Request for Continued Examination (RCE). Applicant encloses a payment in the amount of \$940.00 to cover the fee associated with filing this RCE and to cover the fee associated with a One-Month Extension of Time and requests that this be considered a petition therefor. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for obtaining media, the method comprising:
displaying on a first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing, from the first device, a second device to receive a media item identified by the at least one media item identifier from a content server.

36. (Cancelled)

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

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

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

40. (Cancelled)

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

42. (Cancelled)

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

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

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

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

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.
48. (Currently Amended) A method for obtaining a song, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;
selecting a song identifier from the playlist; and
directing, from the first device, a second device to obtain a song identified by the song identifier.
49. (Previously Presented) The method of claim 48, further comprising:
requesting, by the second device, the song identified by the song identifier from a content server; and
downloading the song from the content server to the second device.
50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.
51. (Previously Presented) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.
52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.
53. (Currently Amended) A device for selecting a media item, the device comprising:
a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;
a network transceiver for facilitating communication between the device and at least one second device on a network;
wherein the device is configured to facilitate:

displaying the list of playlist names on the display;
selecting one of the displayed playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;
receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;
selecting at least one media item name from the playlist; and
directing, from the first device, the at least one second device to send information representative of the at least one media item name to a content server, and to receive a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

59. (New) A method for obtaining media, the method comprising:
displaying on a first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing a second device, without user input via the second device, to receive a media item identified by the at least one media item identifier from a content server.

60. (New) A method for obtaining media, the method comprising:
sending at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;
receiving on a first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and

directing, from the first device, a second device to receive a media item identified by the at least one media item identifier from a content server.

61. (New) A method of directing a second device from a first device, the method comprising:
sending, from the first device, at least one attribute of a playlist corresponding to a selected playlist name to a playlist server;

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

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

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

REMARKS

Applicant has carefully reviewed the Advisory Action mailed January 12, 2009 and offers the following remarks to accompany the above amendments.

Claims 35, 37-39, 41, and 43-58 were previously pending. Claims 1-34, 36, 40, 42, and 54-58 were previously cancelled. Applicant has added claims 59-61 herein. Accordingly, claims 35, 37-39, 41, 43-53, and 59-61 remain pending.

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. The second device is directed by the first device, without user input at the second device.

In the Advisory Action, the Patent Office has maintained the rejections based on U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto"). The Patent Office refers to the Office Action mailed October 20, 2008 (hereinafter the "Office Action") for its reasoning.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid.*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid.*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, Applicant's claimed invention directs or instructs a second device to obtain or receive a song. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which a user could not affirmatively select a hyperlink, such as a stereo receiver, a television, and the like.

Thus, Szeto neither teaches nor suggests a first device that can direct a second device to obtain or receive a media item, because Szeto discloses that a user must enter input at the second device to direct the second device to obtain the media item.

Applicant has amended independent claims 35, 48, and 53 to clarify that the second device in Applicant's claimed invention is directed by the first device, not a user at the second

device. Applicant has added new claims 59-61 to further emphasize related aspects of Applicant's invention, including that the second device is directed without user input at the second device.

Because Szeto discloses that a user must direct the device in Szeto to obtain songs, and because Applicant's claimed invention specifically requires either that the second device is directed by a first device or is directed without user input at the second device, Applicant submits that Szeto cannot anticipate Applicant's claimed invention, and that Applicant's claims are therefore allowable.

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

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

By:



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

Date: February 20, 2009
Attorney Docket: 1116-063

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

U.S. PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	6882299	B1	2005-04-19	Allport	
	2	6041311		2000-03-21	Chislenko et al.	
	3	6088722		2000-07-11	Herz et al.	
	4	7000188	B1	2006-02-14	Eustace	
	5	5616876		1997-04-01	Cluts	
	6	6865600	B1	2005-03-08	Brydon et al.	
	7	7081579	B2	2006-07-25	Alcalde et al.	
	8	7325043	B1	2008-01-29	Rosenberg et al.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10840109	
	Filing Date		2004-05-05	
	First Named Inventor	Martin Weel		
	Art Unit		2141	
	Examiner Name	Le Hien Luu		
	Attorney Docket Number		1116-063	

U.S.PATENT APPLICATION PUBLICATIONS Remove						
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20030229900	A1	2003-12-11	Reisman	
	2	20040031058	A1	2004-02-12	Reisman	
	3	20070219996	A1	2007-09-20	Jarvinen	
	4	20070168388	A1	2007-07-19	Plastina et al.	
	5	20070025194	A1	2007-02-01	Morse et al.	
	6	20060212444	A1	2006-09-21	Handman et al.	
	7	20010053994	A1	2001-12-20	Atcheson et al.	
	8	20030014759	A1	2003-01-16	Van Stam	
	9	20040078382	A1	2004-04-22	Mercer et al.	

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

	10	20040162830	A1	2004-08-19	Shirwadkar et al.	
	11	20040181604	A1	2004-09-16	Immonen	
	12	20050165888	A1	2005-07-28	Elliott	
	13	20060256669	A1	2006-11-16	Sakuma et al.	
	14	20020049760	A1	2002-04-25	Scott et al.	
	15	20020168938	A1	2002-11-14	Chang	
	16	20030204439	A1	2003-10-30	Cullen, III	
	17	20030236843	A1	2003-12-25	Weber et al.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	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							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

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

NON-PATENT LITERATURE DOCUMENTS				Remove
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	"Pandora Internet Radio - Find New Music, Listen to Free Web Radio," http://www.pandora.com/, copyright 2005-2007 Pandora Media, Inc., printed February 7, 2007, 1 page.	<input type="checkbox"/>	
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Examiner Signature			Date Considered	
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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	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2141
	Examiner Name	Le Hien Luu
	Attorney Docket Number	1116-063

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	/R. Chad Bevins/	Date (YYYY-MM-DD)	2009-02-20
Name/Print	R. Chad Bevins	Registration Number	51468

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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:	10840109			
Filing Date:	05-May-2004			
Title of Invention:	Playlist downloading for digital entertainment network			
First Named Inventor/Applicant Name:	Martin Weel			
Filer:	Benjamin Withrow/Julie Smith			
Attorney Docket Number:	1116-063			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	1251	1	130	130

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	1801	1	810	810
Total in USD (\$)				940

Electronic Acknowledgement Receipt

EFS ID:	4831320
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	20-FEB-2009
Filing Date:	05-MAY-2004
Time Stamp:	15:56:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$940
RAM confirmation Number	1290
Deposit Account	501732
Authorized User	WITHROW,BENJAMIN S.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:
 Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	1116-063_RCE.pdf	781442	no	3
			f40b415e3ea84b6d93ebfb83746140f5aa0c75c		
Warnings:					
Information:					
2		1116-063_Response_to_AA_mailed_1-12-09.pdf	300031	yes	8
			f8d1f455b4d7882a5a5fc1a10f39880694aa26db		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	8	
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Filed (SB/08)	1116-063_IDS_4.PDF	883661	no	6
			3cae9cc7825e2312f90c1d225d635b7a7c492404		
Warnings:					
Information:					
4	NPL Documents	pandora.pdf	258406	no	1
			d12229ed001010bc1bb287a550b90a50d85977be		
Warnings:					
Information:					
5	Fee Worksheet (PTO-06)	fee-info.pdf	32007	no	2
			bed6823c8c4d4315555d3f2637921321a46eb903		
Warnings:					
Information:					
Total Files Size (in bytes):			2255547		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



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www.uspto.gov

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

71739 7590 01/12/2009
CONCERT TECHNOLOGY AND WITHROW & TERRANOVA
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2441

MAIL DATE DELIVERY MODE

01/12/2009

PAPER

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

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

1. In the remarks, applicant argued in substance that

(A) Prior art does not teach direct a second device to obtain or receive a song identified by the song identifier.

As to point (A), Szeto teaches User A shares information about a song with User B, and User B is able to experience the same song by clicking on an indicator read on to limitation direct a second device to obtain or receive a song identified by the song identifier (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

(B) Prior art does not teach directing a second device to request a media item and receive a media item.

As to point (B), Szeto teaches User B clicks on an indicator that indicates a song identifier, and a media server begins to stream the song to User B read on to limitation directing a second device to request a media item and receive a media item (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

(C) Prior art does not teach displaying a plurality of playlist names.

As to point (C), Szeto teaches a user can display and share a playlist name with other users. Szeto inherently teaches user can display a plurality of playlist names even though Szeto discloses displaying a playlist name in the disclosure of the invention (Fig 3; pages 3-5, paragraphs [0024 – 0029, 0034]).

2. Applicant's arguments filed on 12/22/2008 have been fully considered but they are not deemed to be persuasive. The rejections of claims 35, 37-39, 41, and 43-53, are respectfully maintained and incorporated by reference as set forth in the Final Office

Action. In addition, office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”). Therefore, limitations that are argued by applicant but are not in claimed language are not being considered by Examiner.


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

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/


Primary Examiner, Art Unit 2441

Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008	01/08/2009					
	1	-	-	-					
	2	-	-	-					
	3	-	-	-					
	4	-	-	-					
	5	-	-	-					
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	29	-	-	-					
	30	-	-	-					
	31	-	-	-					
	32	-	-	-					
	33	-	-	-					
	34	-	-	-					
	35	✓	✓	✓					
	36	✓	-	-					

Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008	01/08/2009					
	37	✓	✓	✓					
	38	✓	✓	✓					
	39	✓	✓	✓					
	40	✓	-	-					
	41	✓	✓	✓					
	42	✓	-	-					
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	51	✓	✓	✓					
	52	✓	✓	✓					
	53	✓	✓	✓					
	54	✓	✓	-					
	55		✓	-					
	56		✓	-					
	57		✓	-					
	58		✓	-					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

Examiner: Le Hien Luu
Art Unit: 2441

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

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

Sir:

RESPONSE TO THE FINAL OFFICE ACTION MAILED OCTOBER 20, 2008

In response to the Final Office Action mailed October 20, 2008, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

OK TO ENTER: /L.L./

01/08/2009

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/840,109	Applicant(s) WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2441	

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

THE REPLY FILED 22 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 35,37-39,41 and 43-53.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please refer to attachd sheets.
12. Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. Other: _____.

/Le Luu/
Primary Examiner, Art Unit 2441

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel

Examiner: Le Hien Luu

Serial No. 10/840,109

Art Unit: 2441

Filed: 05/05/2004

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO THE FINAL OFFICE ACTION MAILED OCTOBER 20, 2008

In response to the Final Office Action mailed October 20, 2008, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

In the Claims:

1-34. (Cancelled).

35. (Previously Presented) A method for obtaining media, the method comprising:
displaying on a first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing a second device to receive a media item identified by the at least one media item identifier from a content server.

36. (Cancelled)

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

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

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

40. (Cancelled)

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

42. (Cancelled)

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

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

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

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

47. (Previously Presented) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.
48. (Previously Presented) A method for obtaining a song, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;
selecting a song identifier from the playlist; and
directing a second device to obtain a song identified by the song identifier.
49. (Previously Presented) The method of claim 48, further comprising:
requesting, by the second device, the song identified by the song identifier from a content server; and
downloading the song from the content server to the second device.
50. (Previously Presented) The method of claim 48, wherein the network comprises the Internet.
51. (Previously Presented) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.
52. (Previously Presented) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.
53. (Previously Presented) A device for selecting a media item, the device comprising:
a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;
a network transceiver for facilitating communication between the device and at least one second device on a network;
wherein the device is configured to facilitate:
displaying the list of playlist names on the display;

selecting one of the displayed playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;
receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;
selecting at least one media item name from the playlist; and
directing the at least one second device to send information representative of the at least one media item name to a content server, and to receive a media item corresponding to the at least one media item name from the content server.

54-58. (Cancelled).

REMARKS

Applicant has carefully reviewed the Final Office Action mailed October 20, 2008 and offers the following remarks to accompany the above amendments.

Claims 35, 37-39, 41, and 43-58 were previously pending. Claims 1-34, 36, 40, and 42 were previously cancelled. Applicant cancels claims 54-58 herein. No claims are added. Accordingly, claims 35, 37-39, 41, and 43-53 remain pending.

Claims 35, 37-39, 41, and 43-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0262204 A1 to Szeto et al. (hereinafter "Szeto"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. M.P.E.P. § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Applicant's invention relates to a first device that can obtain a playlist over a network, and direct a second device to receive or obtain a media item, such as a song, that is referenced in the playlist. Szeto neither teaches nor suggests a first device that can direct a second device to obtain or receive a media item.

Szeto discloses a combined Instant Messaging (IM) and media player application (IM player) (Szeto, Fig. 3 and para. 23). The IM player interfaces with an IM server for IM messages and a media server to obtain media (*Id.* at para. 16). Szeto discloses that a first user may allow the IM server to update a second user's IM player display with the name of a song being listened to by the first user (*Id.* at para. 27). The name of the song is preferably listed as a hyperlink on the second user's IM player (*Ibid.*). The second user may activate or otherwise click on the hyperlink to cause the song to be streamed to the second user's IM player (*Ibid.*). Notably, Szeto teaches that each user must actively request the song by affirmatively selecting the hyperlink. In direct contrast, Applicant's claimed invention directs or instructs a second device to obtain or receive the song. A user need not affirmatively select a hyperlink. In fact, Applicant's claimed invention can work with second devices with which a user could not affirmatively select a hyperlink, such as a stereo receiver, a television, and the like.

For example, Applicant's independent claim 35, among other limitations, requires "directing a second device to receive a media item identified by the at least one media item

identifier from a content server." Nowhere does Szeto disclose directing a second device to do anything, let alone directing a second device to receive a media item. The Patent Office refers to Szeto, Fig. 4, pgs. 4 and 5, and para. 34, for support for its contention that Szeto discloses the referenced limitation (Final Office Action mailed October 20, 2008, p. 3). However, as discussed above, Szeto merely discloses that a second device can receive a hyperlink that can be activated by a user. Applicant submits that the ability to receive a hyperlink in no way anticipates a first device directing a second device to receive a media item, such as a song. Similarly, Applicant's independent claim 48 requires "directing a second device to obtain a song identified by the song identifier." Applicant's comments regarding claim 35 are thus equally applicable to claim 48. Applicant's independent claim 53 requires "directing the at least one second device to send information representative of the at least one media item name to a content server, and to receive a media item corresponding to the at least one media item name from the content server." Thus, Applicant's claim 53 not only requires that the second device receive the media item, but also that the second device request the media item from the content server. Nowhere does Szeto disclose directing a second device to request a media item and receive a media item.

Notably, Applicant's claim 35 also requires that the first device download a list of plurality of playlist names. Nowhere does Szeto disclose that the IM player in Szeto is capable of downloading a plurality of playlist names. Rather, Szeto at para. 29 indicates that the first user can listen to a particular playlist. Applicant submits that an ability to listen to a playlist of songs does not anticipate an ability to receive a plurality of playlist names and to select a particular playlist therefrom. Applicant's claim 53 contains similar limitations regarding a device configured to display a list of playlist names, and enable a selection of one of the playlist names.

For the foregoing reasons, Applicant submits that claims 1, 48, and 53 are not anticipated by Szeto, and are therefore allowable. Claims 37-39, 41, 43-47, and 49-52 are dependent claims ultimately based upon claims 35, 48, and 53, respectively. As such, claims 37-39, 41, 43-47, and 49-52 are allowable for at least the same reasons set forth above with respect to claims 35, 48, and 53. However, Applicant reserves the right to further address the rejection of claims 37-39, 41, 43-47, and 49-52 in the future, if needed.

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

Respectfully submitted,

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

By:



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Telephone: (919) 238-2300

Date: December 22, 2008
Attorney Docket: 1116-063

Electronic Acknowledgement Receipt

EFS ID:	4499003
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	22-DEC-2008
Filing Date:	05-MAY-2004
Time Stamp:	10:17:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		1116-063_Response_to_OAF_mailed_10-20-08.pdf	291980 <small>c582de1aa17e12acc6e655fa90c5eb5e7081fcd</small>	yes	8

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Amendment After Final		1	1
Claims		2	5
Applicant Arguments/Remarks Made in an Amendment		6	8
Warnings:			
Information:			
Total Files Size (in bytes):		291980	
<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>			

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/840,109	Filing Date 05/05/2004	<input type="checkbox"/> To be Mailed				
APPLICATION AS FILED – PART I					OTHER THAN						
(Column 1)		(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/>		OR		SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA			RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A			N/A		OR		N/A		
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A			N/A		OR		N/A		
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A			N/A		OR		N/A		
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*			X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*			X \$ =		OR		X \$ =		
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
APPLICATION AS AMENDED – PART II					OTHER THAN						
(Column 1)		(Column 2)		(Column 3)	SMALL ENTITY		OR		SMALL ENTITY		
AMENDMENT	12/22/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(j))</small>	* 16	Minus	** 34	= 0	X \$26 =	0	OR		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 3	Minus	*** 10	= 0	X \$110 =	0	OR		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>										
TOTAL ADD'L FEE						0	OR		TOTAL ADD'L FEE		
(Column 1)		(Column 2)		(Column 3)	SMALL ENTITY		OR		SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(j))</small>	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		OR		X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>										
TOTAL ADD'L FEE							OR		TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											
Legal Instrument Examiner: /BRENDA WEBB/											

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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

71739 7590 10/20/2008
CONCERT TECHNOLOGY AND WITHROW & TERRANOVA
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2441

MAIL DATE DELIVERY MODE

10/20/2008

PAPER

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

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

Office Action Summary	Application No. 10/840,109	Applicant(s) WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2441	

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 June 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35,37-39,41 and 43-58 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35,37-39,41 and 43-58 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 35, 37-39, 41, and 43-58 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 35, 37-39, 41, and 43-58 are rejected under 35 U.S.C. § 102(e) as being anticipated by Szeto et al. (Szeto) Pub. No. 2005/0262204.

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

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

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

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

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

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

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

5. As to claims 37-39, 41, 43-47, and 55, Szeto teaches a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control to control the second device; the attribute selected from a group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Fig 3; pages 1-4, paragraphs[0015, 0023 – 0029]).

6. Claims 48-54 and 56-58 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale.

7. Applicant's arguments with respect to claims 35, 37-39, 41, and 43-58 have been considered but are deemed to be moot in view of the new grounds of rejection.

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

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Application/Control Number: 10/840,109
Art Unit: 2441

Page 5

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/

Primary Examiner, Art Unit 2441

Notice of References Cited	Application/Control No. 10/840,109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2441	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2005/0262204	11-2005	Szeto et al.	709/206
B	US-			
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

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

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.


EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	157	(playlist\$1 with name\$1) same attribute\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 11:58
S2	15	S1 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:01
S3	420	(playlist\$1) with attribute \$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S4	117	S3 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S5	81	S4 and server\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:16
S6	56	S5 and music\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/03/12 12:18
S7	795	play\$3 with same\$1 with song\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25

S8	405	S7 and @ad<"20040505"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:25
S9	72	S8 and playlist\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/10/10 10:26

10/10/08 11:30:33 AM


C:\Documents and Settings\lluu\My Documents\EAST\Workspaces\10-840109 PD-20040505 Download playlist from server.wsp

Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008						
	1	-	-						
	2	-	-						
	3	-	-						
	4	-	-						
	5	-	-						
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	35	✓	✓						
	36	✓	-						

Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	03/24/2008	10/10/2008						
	37	✓	✓						
	38	✓	✓						
	39	✓	✓						
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	57		✓						
	58		✓						

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

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	6456234	B1	2002-09-24	Johnson		
	2	7171018	B2	2007-01-30	Rhoads et al.		
	3	7218611	B2	2007-05-15	Mimura et al.		
	4	7249367	B2	2007-07-24	Bove, Jr. et al.		
	5	6195657	B1	2001-02-27	Rucker et al.		
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20050187976	A1	2005-08-25	Goodman et al.		

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

2	20050267944	A1	2005-12-01	Little, II	
3	20060020662	A1	2006-01-26	Robinson	
4	20080016205	A1	2008-01-17	Svendsen	

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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	"Goombah - Preview," http://www.goombah.com/preview.html , printed January 8, 2008, 5 pages.	<input checked="" type="checkbox"/>
	2	"Start Listening with Last.fm," http://www.last.fm/ , 1 page. NO DATE.	<input checked="" type="checkbox"/>
	3	JEFF MASCIA ET AL., "Lifetrak: Music In Tune With Your Life.," copyright 2006 ACM, 11 pages.	<input checked="" type="checkbox"/>

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

4	JUN WANG ET AL., "Music Recommender System for Wi-Fi Walkman," Number ICT-2003-01 in the ICT Group Technical Report Series, 23 pages.	<input checked="" type="checkbox"/>
5	"Musicstrands.com Because Music is Social," copyright 2006 MusicStrands, Inc., 2 pages.	<input checked="" type="checkbox"/>
6	"MyStrands for Windows," http://www.mystrands.com/overview.vm , copyright 2003-2007 MediaStrands, Inc., printed February 7, 2007, 3 pages.	<input checked="" type="checkbox"/>
7	"UpTo11.net - Music Recommendations and Search," http://www.upto11.net/ , copyright 2005-2006 Upto11.net, printed February 7, 2007, 1 page.	<input checked="" type="checkbox"/>
8	"LAUNCHcast Radio - Yahoo! Messenger," http://messenger.yahoo.com/launch.php , copyright 2007 Yahoo! Inc., printed November 8, 2007, 1 page.	<input checked="" type="checkbox"/>


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EXAMINER SIGNATURE

Examiner Signature	/Le Luu/	Date Considered	10/09/2008
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Search Notes 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

SEARCHED			
Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL
709	206	10/10/08	LL

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

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/L. L./ Primary Examiner. Art Unit 2441
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

Examiner: Le Hien Luu
Art Unit: 2141

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

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

Sir:

RESPONSE TO THE OFFICE ACTION MAILED MARCH 27, 2008

In response to the Office Action mailed March 27, 2008, Applicant offers the following amendments and remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

In the Claims:

1-34. (Cancelled).

35. (Currently Amended) A method for ~~playing~~ obtaining media, the method comprising:
displaying on a first device a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving on the first device a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist; and
directing a second device to receive a media item identified by the at least one media item identifier from a content server
~~sending information representative of the at least one media item identifier to a content server;~~
~~receiving a media item identified by the at least one media item identifier from the content server;~~ and
playing the at least one media item.

36. (Cancelled)

37. (Currently Amended) The method as recited in claim ~~[[36]]~~ 35, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.

38. (Currently Amended) The method as recited in claim ~~[[36]]~~ 35, wherein the first device comprises a remote control operative to control ~~[[a]]~~ the second device.

39. (Currently Amended) The method as recited in claim ~~[[36]]~~ 35, wherein the first device comprises a remote control operative to control ~~[[a]]~~ the second device and the second device comprises a media rendering device.

40. (Cancelled)

41. (Currently Amended) The method as recited in claim [[40]] 39, further comprising adjusting at least one parameter on the second device from the first device selected from [[the]] a group consisting of volume, tone, and balance.

42. (Cancelled)

43. (Currently Amended) The method as recited in claim 35, ~~wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, further comprising selecting [[a]] the second device from the first device, and the playing the at least one media item comprises playing the at least one media item on the second device.~~

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

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

46. (Currently Amended) The method as recited in claim 35, wherein [[the]] selecting the at least one media item identifier from the received playlist comprises selecting [[a]] the plurality of

media item identifiers from the received playlist in a first order, and ~~the playing the at least one media item~~ directing the second device to receive the media item identified by the at least one media item identifier from the content server comprises ~~playing a plurality of the at least one media item~~ directing the second device to receive a plurality of media items identified by the plurality of media item identifiers from the content server in an order other than the first order.

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

48. (Currently Amended) A method for ~~playing music~~ obtaining a song, the method comprising:

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

selecting a song identifier from the playlist; and

directing a second device to ~~obtaining obtain~~ a song identified by the song identifier ~~on a second device over the Internet;~~ and

~~playing the song on the second device at the request of the first device.~~

49. (Currently Amended) The method of claim 48, ~~wherein the obtaining a song identified by the song identifier further comprises~~ further comprising:

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

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

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

[[52]] 51. (Currently Amended) The method of claim 48, further comprising displaying the plurality of song identifiers on a display associated with the first device.

[[53]] 52. (Currently Amended) The method of claim 48, further comprising effecting a volume of the song on the second device from the first device.

[[54]] 53. (Currently Amended) A device for ~~playing~~ selecting a media item, the device comprising:

a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;

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

wherein the device is configured to facilitate:

displaying the list of playlist names on the display;

selecting one of the displayed playlist names;

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

receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;

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

directing the at least one second device to ~~sending~~ send information representative of the at least one media item name to a content server, ~~receiving~~ and to receive a media item corresponding to the at least one media item name from the content server; ~~and playing the media item.~~

[[55]] 54. (Currently Amended) A system for ~~playing music~~ selecting a media item, the system comprising:

a first device configured to display a plurality of names of playlists and a plurality of names of media items and to facilitate selection of at least one of the plurality of names of playlists and at least one of the plurality of names of media items;

a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding to the at least one attribute to the first device;

a content server configured to receive information representative of at least one media item from ~~the first~~ at least one second device and to send a media item corresponding to the information to ~~the first device~~ the at least one second device; and

~~the~~ at least one second device configured to ~~send an attribute of a playlist to the playlist server, to send information representative of a media item to the content server, to receive a playlist from the playlist server, and to receive~~ [[a]] the media item from the content server.

55. (New) The method of claim 35, further comprising directing the second device to provide playback of the media item on the second device.

56. (New) The method of claim 48, further comprising directing the second device to play the song.

57. (New) The device of claim 53, wherein the device is further configured to facilitate directing the at least one second device to play the media item on the at least one second device.

58. (New) The system of claim 54, wherein the at least one second device is further configured to play the media item.

REMARKS

Applicant has carefully reviewed the Office Action mailed March 27, 2008 and offers the following remarks to accompany the above amendments.

Claim Amendments

Claims 52-55 were objected to as not being in accordance with 37 C.F.R. § 1.126. Applicant has renumbered claims 52-55 to be claims 51-54. Accordingly, the objection to claims 51-54 should be withdrawn. Applicant has added new dependent claims 55-58, which depend from independent claims 35, 48, 53, and 54, respectively. Applicant has also amended claims 35, 48, 53, and 54 to require that a second device be directed to receive a media item or song, as appropriate, as discussed in greater detail below. Applicant has cancelled claims 36, 40, and 42 in view of the amendments to claims 35, 48, 53, and 54. Claims have also been amended for purposes of clarification, including to ensure correct antecedent basis and as appropriate in view of the amendments to claims 35, 48, 53, and 54.

Rejection Under 35 U.S.C. § 102(e) - Cue

Claims 35-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0240494 A1 to Cue et al. (hereinafter "Cue"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Cue discloses a system for sharing playlists and facilitating purchasing media items identified by playlists. A user may publish/upload a playlist to a media commerce server (Cue, par. 0038). Other users may review the playlist and purchase media items identified by the playlist (*Id.* at par. 0031).

Applicant's claimed invention, as amended, relates to receiving playlists and media items on a first device, and directing a second device to obtain a selected media item. For example, among other requirements, Applicant's independent claim 35 requires that a media item identifier associated with a playlist be selected on a first device, and directing a second device to receive a media item identified by the media item identifier from a content server. Cue fails to teach or

suggest selecting a playlist on a first device and directing a second device to receive a media item associated with a media item identifier on the selected playlist, nor has the Patent Office shown where Cue discloses such limitations. Regarding independent claims 48, 53, and 54, each of which contains limitations similar to those discussed above with respect to independent claim 35, the Patent Office has provided no independent basis for the rejection. Rather, the Patent Office asserts that "[c]laims 48-54 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale" (Office Action mailed March 27, 2008, p. 4). Consequently, for the reasons discussed above, Applicant believes claims 35, 48, 53, and 54 are now allowable, and allowance is respectfully requested.

The Patent Office rejects Applicant's dependent claims 36-47 with the broad assertion that the limitations discussed in such claims are taught in Cue at Figs. 2, 4, and 5; pages 1-3; and pars. 0004, 0005, 0031, 0037, and 0038, without specifically identifying where in Cue any of these particular limitations are disclosed. The Patent Office then summarily rejects claims 48-54 with the assertion that the limitations in claims 48-54 are similar to those in claims 35-47, and "are rejected under the same rationale" (Office Action mailed March 27, 2008, p. 4). While Applicant believes claims 37-39, 41, 43-47, 49-52, and 55-58, which are dependent claims depending directly or indirectly from independent claims 35, 48, 53, and 54, respectively, are allowable at least because they depend from allowable independent claims 35 and 48, Applicant notes that, in contrast to the Patent Office's unsupported assertion, Cue also fails to teach or suggest many of the limitations contained in such claims. For example, Cue fails to teach or suggest any of the following claimed limitations: a first device comprising a remote control operative to control the second device (claims 38 and 39); adjusting at least one parameter on the second device from the first device (claims 41 and 52); selecting the second device from the first device (claim 43); selecting the plurality of media items in a first order and receiving the media items in the first order (claim 45); automatically providing a recommendation of a playlist name based upon listening habits of a listener (claim 47); or directing a second device to play the media item (claims 55 and 56).

Accordingly, for at least these reasons, Applicant urges that Cue does not anticipate independent claims 35, 48, 53, and 54, nor does Cue anticipate claims 37-39, 41, 43-47, 49-52, and 55-58, which are dependent claims depending directly or indirectly from independent claims 35, 48, 53, and 54, respectively, for at least the same reasons.

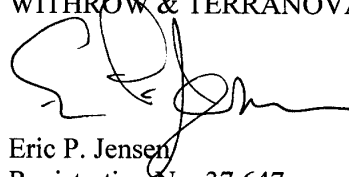
Conclusion

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

Respectfully submitted,

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

By:



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

Date: June 27, 2008
Attorney Docket: 1116-063

Electronic Acknowledgement Receipt

EFS ID:	3531441
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	27-JUN-2008
Filing Date:	05-MAY-2004
Time Stamp:	14:08:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		1116-063_Response_to_OA_mailed_3-27-08.pdf	363923 bed0a58bd9ed444f4116581b36bdb7e3a6617fa3	yes	9

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Amendment - After Non-Final Rejection		1	1
Claims		2	6
Applicant Arguments/Remarks Made in an Amendment		7	9
Warnings:			
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FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)				
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<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A					
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A					
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =			X \$ =					
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =					
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>											
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL					
APPLICATION AS AMENDED – PART II					OTHER THAN						
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	DATE	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	06/27/2008										
	Total <small>(37 CFR 1.16(j))</small>	* 21	Minus	** 34	= 0	X \$25 =	0		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 4	Minus	*** 10	= 0	X \$105 =	0		OR	X \$ =	
		<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
		<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
						TOTAL ADD'L FEE	0		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	DATE	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total <small>(37 CFR 1.16(j))</small>	*	Minus	**	=	X \$ =			OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =			OR	X \$ =	
		<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>							OR		
		<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>							OR		
						TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.											
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

Legal Instrument Examiner:
/FELICIA FARMER/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	6456234	B1	2002-09-24	Johnson		
	2	7171018	B2	2007-01-30	Rhoads et al.		
	3	7218611	B2	2007-05-15	Mimura et al.		
	4	7249367	B2	2007-07-24	Bove, Jr. et al.		
	5	6195657	B1	2001-02-27	Rucker et al.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20050187976	A1	2005-08-25	Goodman et al.		

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

2	20050267944	A1	2005-12-01	Little, II	
3	20060020662	A1	2006-01-26	Robinson	
4	20080016205	A1	2008-01-17	Svendsen	

If you wish to add additional U.S. Published Application citation information please click the Add button.

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							<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	"Goombah - Preview," http://www.goombah.com/preview.html , printed January 8, 2008, 5 pages.	<input checked="" type="checkbox"/>
	2	"Start Listening with Last.fm," http://www.last.fm/ , 1 page.	<input checked="" type="checkbox"/>
	3	JEFF MASCIA ET AL., "Lifetrak: Music In Tune With Your Life.," copyright 2006 ACM, 11 pages.	<input checked="" type="checkbox"/>

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

4	JUN WANG ET AL., "Music Recommender System for Wi-Fi Walkman," Number ICT-2003-01 in the ICT Group Technical Report Series, 23 pages.	<input checked="" type="checkbox"/>
5	"Musicstrands.com Because Music is Social," copyright 2006 MusicStrands, Inc., 2 pages.	<input checked="" type="checkbox"/>
6	"MyStrands for Windows," http://www.mystrands.com/overview.vm , copyright 2003-2007 MediaStrands, Inc., printed February 7, 2007, 3 pages.	<input checked="" type="checkbox"/>
7	"UpTo11.net - Music Recommendations and Search," http://www.upto11.net/ , copyright 2005-2006 Upto11.net, printed February 7, 2007, 1 page.	<input checked="" type="checkbox"/>
8	"LAUNCHcast Radio - Yahoo! Messenger," http://messenger.yahoo.com/launch.php , copyright 2007 Yahoo! Inc., printed November 8, 2007, 1 page.	<input checked="" 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	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2141
	Examiner Name	Le Hein Luu
	Attorney Docket Number	1116-063

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	/R. Chad Bevins/	Date (YYYY-MM-DD)	2008-04-22
Name/Print	R. Chad Bevins	Registration Number	51,468

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.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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 Acknowledgement Receipt

EFS ID:	3187381
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Benjamin Withrow/Julie Smith
Filer Authorized By:	Benjamin Withrow
Attorney Docket Number:	1116-063
Receipt Date:	22-APR-2008
Filing Date:	05-MAY-2004
Time Stamp:	10:15:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed	1116-063_IDS_3.PDF	768810 <small>b329b5b66f1bee36aba7b8ecc79beb358d7ec540</small>	no	5

Warnings:

Information:

2	NPL Documents	Goombah_Preview.pdf	571527	no	5
			6607a1c9c204382b7d386a1bb55d8d875a027291		
Warnings:					
Information:					
3	NPL Documents	lastfm.pdf	94420	no	1
			6eeb0a01eacae9eeae7d29610e885acba3710a2a		
Warnings:					
Information:					
4	NPL Documents	LifeTrak.pdf	1636116	no	11
			5299970e4a30b9a56ab09c7127580e61a04df90		
Warnings:					
Information:					
5	NPL Documents	Music_Recommender_System.pdf	743596	no	23
			1c152ceb63642f3fae96a9093228d85476351e64		
Warnings:					
Information:					
6	NPL Documents	music_strands.pdf	1021307	no	2
			6fdb017adb92bedad3667b4ab8e574d48f706		
Warnings:					
Information:					
7	NPL Documents	mystrands_com.pdf	181102	no	3
			61c6566a40a2776ee17ece63d88fdec40171ce3d		
Warnings:					
Information:					
8	NPL Documents	upto11_net.pdf	60612	no	1
			5d8050be8438c4b65736e1c8583a113af75fa447		
Warnings:					
Information:					
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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



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

71739 7590 03/27/2008
CONCERT TECHNOLOGY AND WITHROW & TERRANOVA
100 REGENCY FOREST DRIVE , SUITE 160
CARY, NC 27518

EXAMINER

LUU, LE HIEN

ART UNIT PAPER NUMBER

2141

MAIL DATE DELIVERY MODE

03/27/2008

PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/840,109	WEEL, MARTIN	
	Examiner	Art Unit	
	Le Luu	2141	

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

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05/05/04 - 01/03/08.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 35-54 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 35-54 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 May 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/28/07-01/03/08</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 35 – 55 are presented for examination.
2. Claims 52-55 are objected because the numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).
3. For purpose of examination, misnumbered claims 52-55 been renumbered 51-54.
4. Applicant is requested to file an amendment to renumber original claim numbers 52-55 to 51-54.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 35-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cue et al. (Cue) Pub. No. 2005/0240494.

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

displaying a plurality of playlist names (pages 2-3, paragraph [0033]);

selecting one of the plurality of playlist names (pages 2-3, paragraph [0033]);

sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server (Fig 2; page 3, paragraphs [0037 – 0039]);

receiving a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers (pages 2-3, paragraph [0033 – 0034]);

selecting at least one media item identifier from the received playlist (pages 2-3, paragraph [0033 – 0034]);

sending information representative of the at least one media item identifier to a content server (pages 2-3, paragraph [0033 – 0034]);

receiving a media item identified by the at least one media item identifier from the content server (pages 2-3, paragraph [0033 – 0034]); and

playing the at least one media item (pages 2-3, paragraph [0033 – 0034]).

8. As to claims 36-47, Cue teaches playing the at least one media item on a first device or a second device; a first device comprises one of a handheld portable device, a palmtop, an MP3 player, a mobile phone, a remote control; the attribute selected from a group consisting of a type of music, a playlist name, an artist, etc; playing a plurality of at least one media item in different order; providing a recommendation of a playlist name based upon listening habits of a listener (Figs. 2, 4-5; pages 1-3, paragraphs [0004 - 0005, 0031, 0037 - 0038]).

9. Claims 48-54 have similar limitations as claims 35-47; therefore, they are rejected under the same rationale.

10. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Le Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/

Primary Examiner, Art Unit 2141

Notice of References Cited	Application/Control No. 10/840,109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN	
	Examiner Le Luu	Art Unit 2141	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2005/0240494	Cue et al.	705/027
*	B	US-2006/0294212	Kikkawa et al.	709/223
*	C	US-2004/0055014	Edelson, Justin	725/110
*	D	US-2003/0217102	Jystad et al.	709/203
*	E	US-2002/0007418	Hegde et al.	709/231
*	F	US-2005/0071881	Deshpande, Sachin G.	725/088
*	G	US-2003/0182315	Plastina et al.	707/200
	H	US-		
	I	US-		
	J	US-		
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Index of Claims 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

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 CPA
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CLAIM		DATE									
Final	Original	03/24/2008									
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Search Notes 	Application/Control No. 10840109	Applicant(s)/Patent Under Reexamination WEEL, MARTIN
	Examiner Le Luu	Art Unit 2141

SEARCHED			
Class	Subclass	Date	Examiner
709	223, 217, 219, 203, 231	3/12/08	LL
705	27	3/12/08	LL
725	88	3/12/08	LL
707	200	3/12/08	LL

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

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Class	Subclass	Date	Examiner



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BIB DATA SHEET

CONFIRMATION NO. 9461

SERIAL NUMBER 10/840,109	FILING or 371(c) DATE 05/05/2004 RULE	CLASS 709	GROUP ART UNIT 2141	ATTORNEY DOCKET NO. 1116-063	
APPLICANTS Martin Weel, Modjeska, CA; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 07/09/2004					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/LE HIEN LUU/</u> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials _____	STATE OR COUNTRY CA	SHEETS DRAWINGS 8	TOTAL CLAIMS 34	INDEPENDENT CLAIMS 10
ADDRESS CONCERT TECHNOLOGY AND WITHROW & TERRANOVA 100 REGENCY FOREST DRIVE , SUITE 160 CARY, NC 27518 UNITED STATES					
TITLE Playlist downloading for digital entertainment network					
FILING FEE RECEIVED 942	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History

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

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	First Named Inventor	Martin Weel
	Art Unit	2141
	Examiner Name	Le Hein Luu
	Attorney Docket Number	1116-063

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	Examiner Name	Le Hein Luu		
	Attorney Docket Number		1116-063	

/LL/	5	20040246372	A1	2004-12-09	Megeid	
/LL/	6	20050091693	A1	2005-04-28	Amine et al.	
/LL/	7	20050120373	A1	2005-06-02	Thomas et al.	
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	Examiner Name	Rupal Dharia
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/LL/	1	6526411	B1	2003-02-25	Ward		
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/LL/	1	20020032019	A1	2002-03-14	Marks et al.		
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/LL/	3	20020166123	A1	2002-11-07	Schrader et al.	
	4	20020174426	A1	2002-11-21	Gutta et al.	
	5	20030093790	A1	2003-05-15	Logan et al.	
	6	20030147624	A1	2003-08-07	Trajkovic et al.	
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	8	20030225834	A1	2003-12-04	Lee et al.	
	9	20030227478	A1	2003-12-11	Chatfield	
	10	20040086120	A1	2004-05-06	Akins, III et al.	
	11	20040249708	A1	2004-12-09	Jacobs et al.	
	12	20040255340	A1	2004-12-16	Logan	
	/LL/	13	20040267899	A1	2004-12-30	Rahman et al.

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	15	20050113946	A9	2005-05-26	Janik	
	16	20050234995	A1	2005-10-20	Plastina et al.	
	17	20050251565	A1	2005-11-10	Weel	
	18	20050251576	A1	2005-11-10	Weel	
	19	20050251807	A1	2005-11-10	Weel	
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	3	20020174243	A1	2002-11-21	Spurgat et al.		
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5	20040246372	A1	2004-12-09	Megeid	
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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 Acknowledgement Receipt

EFS ID:	2665958
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Steven Terranova/Julie Smith
Filer Authorized By:	Steven Terranova
Attorney Docket Number:	1116-063
Receipt Date:	03-JAN-2008
Filing Date:	05-MAY-2004
Time Stamp:	14:57:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed	1116-063_IDS_2.pdf	734317 a0ef18b47deed6ccecbb94b716412e630a5b2d0	no	5

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	6526411	B1	2003-02-25	Ward		
	2	6990497	B2	2006-01-24	O'Rourke et al.		
	3	7020710	B2	2006-03-28	Weber et al.		
	4	7043477	B2	2006-05-09	Mercer et al.		
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20020032019	A1	2002-03-14	Marks et al.		
	2	20020144259	A1	2002-10-03	Gutta et al.		

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

	3	20020166123	A1	2002-11-07	Schrader et al.	
	4	20020174426	A1	2002-11-21	Gutta et al.	
	5	20030093790	A1	2003-05-15	Logan et al.	
	6	20030147624	A1	2003-08-07	Trajkovic et al.	
	7	20030182315	A1	2003-09-25	Plastina et al.	
	8	20030225834	A1	2003-12-04	Lee et al.	
	9	20030227478	A1	2003-12-11	Chatfield	
	10	20040086120	A1	2004-05-06	Akins, III et al.	
	11	20040249708	A1	2004-12-09	Jacobs et al.	
	12	20040255340	A1	2004-12-16	Logan	
	13	20040267899	A1	2004-12-30	Rahman et al.	

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

	14	20050060264	A1	2005-03-17	Schrock et al.	
	15	20050113946	A9	2005-05-26	Janik	
	16	20050234995	A1	2005-10-20	Plastina et al.	
	17	20050251565	A1	2005-11-10	Weel	
	18	20050251576	A1	2005-11-10	Weel	
	19	20050251807	A1	2005-11-10	Weel	
	20	20060087926	A1	2006-04-27	Hwang	
	21	20060167576	A1	2006-07-27	Rosenberg	

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FOREIGN PATENT DOCUMENTS

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	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

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

NON-PATENT LITERATURE DOCUMENTS			Remove
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	"MyStrands Labs: Patent-pending Technologies," http://labs.mystrands.com/patents.html , printed February 7, 2007, 5 pages.	<input checked="" type="checkbox"/>
	2	"Music Downloads - Over 2 Million Songs - Try It Free - Yahoo! Music," http://music.yahoo.com/ymu/default.asp , copyright 2006 Yahoo! Inc., printed February 7, 2007, 1 page.	<input checked="" type="checkbox"/>
	3	"Billboard Music Charts - Latest Music News - Music Videos," http://www.billboard.com/bbcom/index.jsp , printed February 7, 2007, 2 pages.	<input checked="" type="checkbox"/>
	4	"CNN.com - Breaking News, U.S., World, Weather, Entertainment & Video News," http://www.cnn.com/ , copyright 2007 Cable News Network LP, LLLP, printed February 7, 2007, 3 pages.	<input checked="" type="checkbox"/>
	5	"InferNote is an exploration tool for your music collection," http://www.itweeks.com/infdoc/index.html , copyright 2004 otherslikeyou.com Inc., printed February 7, 2007, 13 pages.	<input checked="" type="checkbox"/>
	6	"Rhapsody - Full-length music, videos and more - FREE," http://www.rhapsody.com/welcome.html , copyright 1948-2007 Muze Inc., copyright 2001-2007 Listen.com, printed February 7, 2007, 1 page.	<input checked="" type="checkbox"/>
	7	"National and Local Weather Forecast, Radar, Map and Report," http://www.weather.com/ , copyright 1995-2007 The Weather Channel Interactive, Inc., printed February 7, 2007, 3 pages.	<input checked="" type="checkbox"/>
	8	"Apple - iPod classic," http://www.apple.com/ipodclassic/ , printed October 26, 2007, 1 page.	<input checked="" type="checkbox"/>
	9	"Apple - iPod + iTunes," http://www.apple.com/itunes/ , copyright 2007 Paramount Pictures, printed February 7, 2007, 2 pages.	<input checked="" type="checkbox"/>

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

10	"Roxio The Boom Box Music and recording reviews - CNET Reviews," http://reviews.cnet.com/music-and-recording/roxio-the-boom-box/4505-3669_7-3141440... , printed November 15, 2007, 4 pages.	<input checked="" type="checkbox"/>
11	"Napster.co.uk - Napster To Go," http://www.napster.co.uk/ntg.html , copyright 2003-2007 Napster, LLC, printed November 15, 2007, 2 pages.	<input checked="" type="checkbox"/>
12	"Yahoo! Messenger - Chat, Instant message, SMS, PC Calls and More," http://messenger.yahoo.com/webmessengerpromo.php , copyright 2007 Yahoo! Inc., printed October 26, 2007, 1 page.	<input checked="" type="checkbox"/>
13	"MSN - Music," http://music.msn.com/help/sync , copyright 2007 Microsoft, printed November 16, 2007, 1 page.	<input checked="" 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	10840109
	Filing Date	2004-05-05
	First Named Inventor	Martin Weel
	Art Unit	2141
	Examiner Name	Rupal Dharia
	Attorney Docket Number	1116-063

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	/Steven N. Terranova/	Date (YYYY-MM-DD)	2007-11-28
Name/Print	Steven N. Terranova	Registration Number	43,185

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.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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 Acknowledgement Receipt

EFS ID:	2516862
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	71739
Filer:	Steven Terranova/Julie Smith
Filer Authorized By:	Steven Terranova
Attorney Docket Number:	1116-063
Receipt Date:	28-NOV-2007
Filing Date:	05-MAY-2004
Time Stamp:	10:07:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed	1116-063_IDS.PDF	952135 <small>118d146b9850b396132c0ae76d13c7c9481aeaa6</small>	no	7

Warnings:

Information:

2	NPL Documents	MyStrands_Patents.pdf	198893	no	5
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Warnings:					
Information:					
3	NPL Documents	Yahoo.pdf	52686	no	1
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Information:					
4	NPL Documents	Billboard.pdf	187491	no	2
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Warnings:					
Information:					
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Information:					
Total Files Size (in bytes):			4410118		
<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>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/840,109	Filing Date 05/05/2004	<input type="checkbox"/> To be Mailed				
APPLICATION AS FILED – PART I					OTHER THAN						
(Column 1)		(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/>		OR		SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)			RATE (\$)	FEE (\$)		
<input checked="" type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A		N/A	385			N/A			
<input checked="" type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A		N/A	0			N/A			
<input checked="" type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A		N/A	0			N/A			
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	34 minus 20 =	* 14		X \$9 =	126	OR		X \$ =			
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	10 minus 3 =	* 7		X \$43 =	301			X \$ =			
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
APPLICATION AS AMENDED – PART II					OTHER THAN						
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	09/12/2007	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(j))	* 20	Minus	** 34	= 0	X \$25 =	0	OR		X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 10	= 0	X \$100 =	0	OR		X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE	0	OR		TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(j))	*	Minus	**	=	X \$ =		OR		X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR		X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.											
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											
Legal Instrument Examiner: paul l. neal											

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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

Examiner: TBA
Art Unit: TBA

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

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

Sir:

PRELIMINARY AMENDMENT

The following is a Preliminary Amendment for the above-referenced application. If any fees are required, the Commissioner is hereby authorized to charge them to Deposit Account 50-1732 and consider this a petition therefor.

In the Claims:

- 1-34. (Cancelled).
35. (New) A method for playing media, the method comprising:
displaying a plurality of playlist names;
selecting one of the plurality of playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server;
receiving a playlist from the playlist server, the received playlist corresponding to the at least one attribute and comprising a plurality of media item identifiers;
selecting at least one media item identifier from the received playlist;
sending information representative of the at least one media item identifier to a content server;
receiving a media item identified by the at least one media item identifier from the content server; and
playing the at least one media item.
36. (New) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, the selecting one of the plurality of playlist names comprises selecting one of the plurality of playlist names on the first device, the sending at least one attribute comprises sending at least one attribute from the first device, the receiving a playlist from the playlist server comprises receiving on the first device a playlist from the playlist server, and playing the at least one media item comprises playing the at least one media item on the first device.
37. (New) The method as recited in claim 36, wherein the first device comprises one of a handheld portable device, a palmtop computer, an MP3 player, and a mobile phone.
38. (New) The method as recited in claim 36, wherein the first device comprises a remote control operative to control a second device.

39. (New) The method as recited in claim 36, wherein the first device comprises a remote control operative to control a second device and the second device comprises a media rendering device.
40. (New) The method as recited in claim 39, wherein the playing the at least one media item comprises playing the at least one media item on the second device.
41. (New) The method as recited in claim 40, further comprising adjusting at least one parameter on the second device from the first device selected from the group consisting of volume, tone, and balance.
42. (New) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, the selecting one of the plurality of playlist names comprises selecting one of the plurality of playlist names on the first device, the sending at least one attribute comprises sending at least one attribute from the first device, the receiving a playlist from the playlist server comprises receiving on the first device a playlist from the playlist server, and the playing the at least one media item comprises playing the at least one media item on a second device.
43. (New) The method as recited in claim 35, wherein the displaying a plurality of playlist names comprises displaying a plurality of playlist names on a first device, selecting a second device from the first device, and the playing the at least one media item comprises playing the at least one media item on the second device.
44. (New) The method as recited in claim 35, wherein the sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server comprises sending at least one attribute selected from the group consisting of a type of music, a playlist name, an artist, an album, a song, an instrument, a record company, a region, a country, a state, a city, a school, a range of years, a genre, a search criteria, and an ethnicity.

45. (New) The method as recited in claim 35, wherein the selecting at least one media item identifier from the received playlist comprises selecting a plurality of media item identifiers from the received playlist in a first order, and the playing the at least one media item comprises playing a plurality of the at least one media item in the first order.
46. (New) The method as recited in claim 35, wherein the selecting at least one media item identifier from the received playlist comprises selecting a plurality of media item identifiers from the received playlist in a first order, and the playing the at least one media item comprises playing a plurality of the at least one media item in an order other than the first order.
47. (New) The method as recited in claim 35, further comprising automatically providing a recommendation of a playlist name based upon listening habits of a listener.
48. (New) A method for playing music, the method comprising:
obtaining a playlist on a first device over a network, the playlist comprising a plurality of song identifiers;
selecting a song identifier from the playlist;
obtaining a song identified by the song identifier on a second device over the Internet;
and
playing the song on the second device at the request of the first device.
49. (New) The method of claim 48, wherein the obtaining a song identified by the song identifier further comprises:
requesting the song identified by the song identifier from a content server; and
downloading the song from the content server.
50. (New) The method of claim 48, wherein the network comprises the Internet.
52. (New) The method of claim 48, further comprising displaying the song identifiers on a display associated with the first device.

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

54. (New) A device for playing a media item, the device comprising:
a display for displaying a list of playlist names and media item names and also for facilitating selection thereof;
a network transceiver for facilitating communication between the device and at least one second device on a network;
wherein the device is configured to facilitate:
displaying the list of playlist names on the display;
selecting one of the displayed playlist names;
sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver;
receiving the playlist from the playlist server via the network transceiver, the received playlist corresponding to the at least one attribute;
selecting at least one media item name from the playlist;
sending information representative of the at least one media item name to a content server;
receiving a media item corresponding to the at least one media item name from the content server; and
playing the media item.

55. (New) A system for playing music, the system comprising:
a first device configured to display a plurality of names of playlists and a plurality of names of media items and to facilitate selection of at least one of the plurality of names of playlists and at least one of the plurality of names of media items;
a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding to the at least one attribute to the first device;
a content server configured to receive information representative of at least one media item from the first device and to send a media item corresponding to the information to the first device; and

at least one second device configured to send an attribute of a playlist to the playlist server, to send information representative of a media item to the content server, to receive a playlist from the playlist server, and to receive a media item from the content server.


REMARKS

Applicant requests cancellation of claims 1-34 without prejudice. Applicant adds new claims 35-55. This amendment is not made for any reasons relating to patentability and does not constitute any disclaimer in any manner whatsoever.

Respectfully submitted,

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

By:



Steven N. Terranova
Registration No. 43,185
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

Date: September 11, 2007
Attorney Docket: 1116-063

Electronic Acknowledgement Receipt

EFS ID:	2180419
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	27820
Filer:	Steven Terranova/Julie Smith
Filer Authorized By:	Steven Terranova
Attorney Docket Number:	1116-063
Receipt Date:	11-SEP-2007
Filing Date:	05-MAY-2004
Time Stamp:	11:21:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		1116-063_Preliminary_Amen dment.pdf	213302 <small>12cb37907a5f2d3380cc720dc36e6020 477312b6</small>	yes	7

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Preliminary Amendment	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	7
Warnings:		
Information:		
Total Files Size (in bytes):	213302	
<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>		



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MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE, CA 92612

COPY MAILED

JUL 23 2007

OFFICE OF PETITIONS

In re Application of	:	
WEEL, Martin	:	
Application No. 10/840,109	:	DECISION ON PETITION
Filed: May 05, 2004	:	TO WITHDRAW
Attorney Docket No. MUS1.PAU.05	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 06, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Myers Dawes Andras & Sherman, LLP has been revoked by the assignee of the patent application on June 11, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **WITHROW & TERRANOVA, P.L.L.C.**
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/840,109	05/05/2004	Martin Weel	1116-063

27820
WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

CONFIRMATION NO. 9461



OC000000024429497

Date Mailed: 06/20/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/840,109	05/05/2004	Martin Weel	MUS1.PAU.05

 23386
 MYERS DAWES ANDRAS & SHERMAN, LLP
 19900 MACARTHUR BLVD.,
 SUITE 1150
 IRVINE, CA 92612

CONFIRMATION NO. 9461


OC000000024428647

Date Mailed: 06/20/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/11/2007.

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

 Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Weel
Serial Number: 10/840,109
Filed: 05/05/2004

Examiner: Rupal Dharia
Art Unit: 2141

For: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

POWER OF ATTORNEY

Sir:


The undersigned, assignee of the entire interest in and to an application of Martin Weel for U.S. Letters Patent for **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**, filed May 5, 2004, Application Serial Number 10/840,109 by an assignment document recorded with the United States Patent and Trademark Office at Reel/Frame 019311/0817, hereby appoints the firm of Withrow & Terranova, P.L.L.C., Customer No. 27820, comprising Benjamin S. Withrow, Reg. No. 40,876, Steven N. Terranova, Reg. No. 43,185, John R. Witcher, Reg. No. 39,877, Richard C. Bevins, Reg. No. 51,468, John H. Vynalek, Reg. No. 37,254, Anthony J. Josephson, Reg. No. 45,742, and Christopher B. Lee, Reg. No. 58,793, as my attorneys and/or agents with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Furthermore, in accordance with 37 CFR §3.73(b), the undersigned hereby states that the documentary evidence of a chain of title from the original owner to the assignee, i.e. assignment

document referenced above, has been reviewed and the undersigned certifies that, to the best of assignee's knowledge and belief, title is in assignee who seeks to prosecute this application.

**PLEASE ADDRESS ALL COMMUNICATIONS AND TELEPHONE CALLS TO:
WITHROW & TERRANOVA, P.L.L.C., 100 REGENCY FOREST DRIVE, SUITE 160,
CARY, NORTH CAROLINA 27518, (919) 238-2300.**

CONCERT TECHNOLOGY CORPORATION

BY: 
Hugh Svendsen
Chief Executive Officer

Date: 6/6/2007

File No.: 1116-063

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Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/840,109
Filing Date	05/05/2004
First Named Inventor	Martin Weel
Art Unit	2141
Examiner Name	Rupal Dharia
Attorney Docket Number	1116-063

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 The address associated with
Customer Number:

27820

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Individual Name

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Telephone

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I am the:

 Applicant/Inventor Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). Attorney or agent of record. Registration Number 37,254. Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____.

Signature

Typed or Printed
Name John H. Vynalek

Date June 11, 2007

Telephone 919-238-2300

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

 *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Electronic Acknowledgement Receipt

EFS ID:	1857297
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	23386
Filer:	John H. Vynalek/Julie Smith
Filer Authorized By:	John H. Vynalek
Attorney Docket Number:	MUS1.PAU.05
Receipt Date:	11-JUN-2007
Filing Date:	05-MAY-2004
Time Stamp:	09:52:19
Application Type:	Utility

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	1116-063_POA.pdf	60096	no	2

Warnings:

Information:					
2	Change of Address	1116-063_CCA.pdf	56977	no	1
Warnings:					
Information:					
Total Files Size (in bytes):			117073		
<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>					

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**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	10/840,109
Filing Date	05/05/2004
First Named Inventor	Martin Weel
Art Unit	2141
Examiner Name	Rupal Dharja
Attorney Docket Number	MUS1.PAU.05

**To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Please withdraw me as attorney or agent for the above identified patent application, and

- all the attorneys/agents of record.
- the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Applicant sold his patent application to Concert Technology Corporation.

CORRESPONDENCE ADDRESS

1. The correspondence address is NOT affected by this withdrawal.
2. Change the correspondence address and direct all future correspondence to:

The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Eugene M. Farrelly		
Address	Concert Technology Corporation 7011 Fayetteville Road, Suite 210		
City	Durham	State	NC
		Zip	27713
Country	US		
Telephone	919 433 1845	Email	
Signature	/joseph c. andras/		
Name	Joseph C. Andras	Registration No.	33,469
Date	June 6, 2007	Telephone No.	949 223 9600

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Acknowledgement Receipt

EFS ID:	1845072
Application Number:	10840109
International Application Number:	
Confirmation Number:	9461
Title of Invention:	Playlist downloading for digital entertainment network
First Named Inventor/Applicant Name:	Martin Weel
Customer Number:	23386
Filer:	Joseph Christopher Andras/Eric Hoover
Filer Authorized By:	Joseph Christopher Andras
Attorney Docket Number:	MUS1.PAU.05
Receipt Date:	06-JUN-2007
Filing Date:	05-MAY-2004
Time Stamp:	15:33:04
Application Type:	Utility

Payment information:

Submitted with Payment	no
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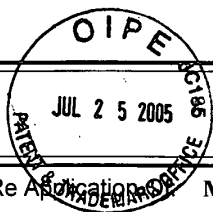
File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	Withdrawal_of_Attorney.pdf	21037	no	1

Warnings:

Information:	
Total Files Size (in bytes):	21037
<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>	

IFW



TRANSMITTAL LETTER (General - Patent Pending)	Docket No. MUS1.PAU.05
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In Re Application of **Martin Weel**

Application No. 10/840,109	Filing Date 05/05/2004	Examiner Unknown	Customer No. 23386	Group Art Unit 2141	Confirmation No. 9461
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Title: **PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK**

COMMISSIONER FOR PATENTS:

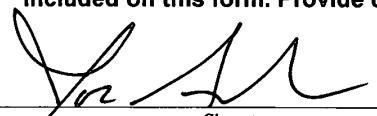
Transmitted herewith is:

Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address; Statement Under 37 CFR 3.73(b); return postcard

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. **01-1960** as described below.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

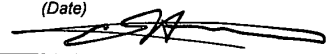


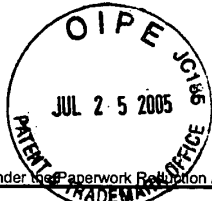
Signature

Dated: **7/22/05**

Joseph C. Andras, Reg. No. 33,469
Myers Dawes Andras & Sherman LLP
19900 MacArthur Blvd., Suite 1150
Irvine, CA 92612
Tel: (949) 223-9600
Fax: (949) 223-9610

cc:

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Approved for use through 11/30/2005. OMB 0651-0035
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REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	10/840,109
	Filing Date	05/05/2004
	First Named Inventor	Martin Weel
	Art Unit	2141
	Examiner Name	Unknown
	Attorney Docket Number	MUS1.PAU.05

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number: 23386

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number: 23386

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

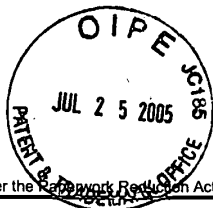
Signature			
Name	Martin Weel, Manager of MusicStream, LLC		
Date	Telephone	(949) 330-6600	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending 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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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Martin Weel

Application No./Patent No.: 10/840,109 Filed/Issue Date: 05/05/2004

Entitled: PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

MusicStream, LLC, a California corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest; or
- 2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 016272, Frame 0095, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Martin Weel
Signature

5/15/05
Date

Martin Weel
Printed or Typed Name

(949) 330-6600
Telephone Number

Manager
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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09-13-04

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PTO/SB/21 (04-04)

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/840,109
	Filing Date	May 5, 2004
	First Named Inventor	Martin Weel
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	4	Attorney Docket Number 021055.0005US1

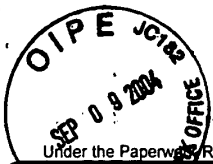
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Declaration
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert D. Fish; Rutan & Tucker, LLP
Signature	<i>Robert D. Fish</i>
Date	8/25/04

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Collene Houston
Signature	<i>Collene Houston</i>
Date	8/25/04

This collection of information is required by 37 CFR 1.5. 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, 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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FEE TRANSMITTAL for FY 2004 <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	10/840109
		Filing Date	May 5, 2004
		First Named Inventor	Martin Weel
		Examiner Name	
		Art Unit	
		Attorney Docket No.	021055.0005US1
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$) 65.00		

METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 502191 Deposit Account Name: Rutan & Tucker, LLP The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		FEE CALCULATION (continued)																																																																																																																																																													
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001 770</td><td>2001 385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002 340</td><td>2002 170</td><td>Design filing fee</td><td></td></tr> <tr><td>1003 530</td><td>2003 265</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004 770</td><td>2004 385</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (1) (\$)</td><td></td></tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1001 770	2001 385	Utility filing fee		1002 340	2002 170	Design filing fee		1003 530	2003 265	Plant filing fee		1004 770	2004 385	Reissue filing fee		1005 160	2005 80	Provisional filing fee		SUBTOTAL (1) (\$)				3. 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unavoidable</td><td></td></tr> <tr><td>1453 1,330</td><td>2453 665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,330</td><td>2501 665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 480</td><td>2502 240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 640</td><td>2503 320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809 770</td><td>2809 385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810 770</td><td>2810 385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801 770</td><td>2801 385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="3">Other fee (specify)</td><td></td></tr> <tr><td colspan="3">*Reduced by Basic Filing Fee Paid</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (3) (\$)</td><td>65.00</td></tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - 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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Robert D. Fish	Registration No. (Attorney/Agent)	33,880
Signature		Telephone	714-641-5100
		Date	5/25/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



Practitioner's Docket No. 021055.0005US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Weel

Application No.: 10/840,109

Filed: May 5, 2004

For: Playlist Downloading for Digital Entertainment Network

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS
—NONPROVISIONAL APPLICATION**

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 12, 2004.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

DECLARATION OR OATH

II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

SMALL ENTITY STATUS

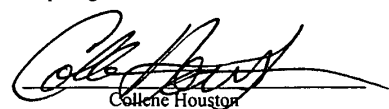
III. An assertion that applicant is a small entity was made when the application was filed.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.

Date:

8/25/04


Colleen Houston

Completion of Filing Requirements—Nonprovisional Application—page 1 of 2

COMPLETION FEES

IV. Surcharge Fees	
Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e))	\$65.00
Total Completion Fees	\$65.00

EXTENSION OF TIME

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

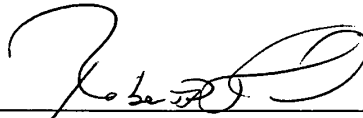
TOTAL FEE DUE

VI. The total fee due is:

Completion fees	\$65.00
Extension fee (if any)	\$0.00
Total Fee Due	\$65.00

PAYMENT OF FEES

VII. Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 509282. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.



Signature of Practitioner
Robert D. Fish
Rutan & Tucker, LLP
P.O. Box 1950
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92628-1950

Reg. No.: 33,880
Tel. No.: 714-641-5100
Customer No.: 34284

Please acknowledge receipt of the following by affixing hereon the Official date stamp and returning this card to our office.

Title:	Playlist Downloading for Digital Entertainment Network
Inventor:	Elario - Martin Weel
Filing Date:	5 May 2004
Serial Number:	10/840,109
Matter Type:	Patent - US
Date of Deposit:	25 August 2004
Matter #:	021055.0005US1
Enclosures:	(A) Transmittal Form; (B) Fee Transmittal; (C) Completion of Filing Requirements (2 pages); and (D) Return Receipt Postcard.



DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration Submitted With Initial Filing **OR** Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	021055.0005US1
First Named Inventor	Martin Weel
<i>COMPLETE IF KNOWN</i>	
Application Number	10/840,109
Filing Date	May 5, 2004
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Playlist Downloading for Digital Entertainment Network

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 05/05/2004 as United States Application Number or PCT International

Application Number 10/840,109 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

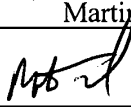
(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: 34284		OR <input checked="" type="checkbox"/> Correspondence address below	
Name Robert D. Fish, Rutan & Tucker, LLP			
Address P.O. Box 1950 611 Anton Blvd., 14th Floor			
City Costa Mesa		State CA	ZIP 92628-1950
Country	Telephone 714-641-5100	Fax 714-546-9035	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Martin		Family Name or Surname Weel	
Inventor's Signature 		Date 8/16/04	
Residence: City Modjeska	State CA	Country USA	Citizenship USA
Mailing Address MusicStream, LLC 65 Enterprise			
City Aliso Viejo	State CA	ZIP 92656	Country USA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

IFW

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/840,109	
	Filing Date	May 5, 2004	
	First Named Inventor	Martin Weel	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	4	Attorney Docket Number	021055.0005US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Declaration
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert D. Fish; Rutan & Tucker, LLP
Signature	<i>Robert D. Fish</i>
Date	8/25/04

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Collene Houston
Signature	<i>Collene Houston</i>
Date	8/25/04

This collection of information is required by 37 CFR 1.5. 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, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

08/31/2004 FFAHRIAR 00000083 502191 10840109

01 FC:2051 65.00 DA



Practitioner's Docket No. 021055.0005US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martin Weel

Application No.: 10/840,109

Filed: May 5, 2004

For: Playlist Downloading for Digital Entertainment Network

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS
—NONPROVISIONAL APPLICATION**

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 12, 2004.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

DECLARATION OR OATH

II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

SMALL ENTITY STATUS

III. An assertion that applicant is a small entity was made when the application was filed.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient postage as first class mail.

Date:

8/25/04


Colleen Houston

Completion of Filing Requirements—Nonprovisional Application--page 1 of 2

COMPLETION FEES

IV. Surcharge Fees	
Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e))	\$65.00
Total Completion Fees	\$65.00

EXTENSION OF TIME

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

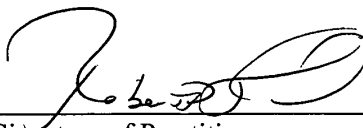
TOTAL FEE DUE

VI. The total fee due is:

Completion fees	\$65.00
Extension fee (if any)	\$0.00
Total Fee Due	\$65.00

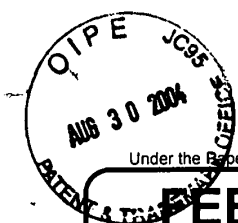
PAYMENT OF FEES

VII. Authorization is hereby made to charge the amount of \$65.00 to Deposit Account No. 509282. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.



Signature of Practitioner
Robert D. Fish
Rutan & Tucker, LLP
P.O. Box 1950
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92628-1950

Reg. No.: 33,880
Tel. No.: 714-641-5100
Customer No.: 34284



PTO/SB/17 (10-03)
 Approved for use through 07/31/2006. OMB 0651-0032
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004 <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	10/840109
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	May 5, 2004
		First Named Inventor	Martin Weel
		Examiner Name	
TOTAL AMOUNT OF PAYMENT		Art Unit	
(\$ 65.00		Attorney Docket No.	021055.0005US1

METHOD OF PAYMENT (check all that apply)

Check
 Credit card
 Money Order
 Other
 None

Deposit Account:

Deposit Account Number:
 Deposit Account Name:

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below
 Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X = 0
 Independent Claims: -3** = X = 0
 Multiple Dependent: =

Fee from below **Fee Paid**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Robert D. Fish	Registration No. (Attorney/Agent)	33,880
Signature		Telephone	714-641-5100
		Date	5/25/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/840,109	05/05/2004	Martin Weel	021055.0005US1

 Norman Carte
 Rutan & Tucker, LLP
 611 Anton Blvd., 14th Floor
 P.O. Box 1950
 Costa Mesa, CA 92628-1950

CONFIRMATION NO. 9461
FORMALITIES LETTER


OC000000013198896

Date Mailed: 07/13/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)
Filing Date Granted
Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

 Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

 Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

BINH
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 3 - OFFICE COPY


UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/840,109	05/05/2004	Martin Weel	021055.0005US1

 Norman Carte, Rutan & Tucker, LLP
 14th Floor
 611 Anton Blvd.
 P.O. Box 1950
 Costa Mesa, CA 92628-1950

CONFIRMATION NO. 9461
FORMALITIES LETTER


OC000000013198896

Date Mailed: 07/12/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)
Filing Date Granted
Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

 Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

BINH

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	021055.0005US1
First Inventor	Martin Weel
Title	See 1 in Addendum
Express Mail Label No.	EV 389270764 US

2214 U.S. PTO
10/840109

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 41]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Sheets _____]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations _____]
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ Art Unit: _____
For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number: _____ OR Correspondence address below

Name	Norman Carte, Rutan & Tucker, LLP				
Address	P.O. Box 1950 611 Anton Blvd., 14th Floor				
City	Costa Mesa	State	CA	Zip Code	92628-1950
Country		Telephone	714-641-5100	Fax	714-546-9035

Name (Print/Type)	Norman Carte	Registration No. (Attorney/Agent)	30,455
Signature		Date	05/05/2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Addendum

1. Playlist Downloading for Digital Entertainment Network

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Complete if Known

Application Number	
Filing Date	May 5, 2004
First Named Inventor	Martin Weel
Examiner Name	
Art Unit	
Attorney Docket No.	021055.0005US1

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **812.00**

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:
 Deposit Account Number: **502191**
 Deposit Account Name: **Rutan & Tucker, LLP**

The Director is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 385.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims **34** -20** = **14** x **9** = **126.00**
 Independent Claims **10** -3** = **7** x **43** = **301.00**
 Multiple Dependent = **427.00**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$) 427.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Norman Carte	Registration No. (Attorney/Agent)	30,455
Signature		Telephone	714-641-5100
		Date	May 5, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

RELATED APPLICATIONS

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

FIELD OF THE INVENTION

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

BACKGROUND OF THE INVENTION

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

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

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station or select a cable channel that plays the type of music that the listener enjoys with the expectation that songs that the listener enjoys will occasionally be played. Too frequently, these songs are not played as often as the listener would prefer.

[0005] According to the purchase method, a listener purchases prerecorded music stored on media such as compact discs (CDs). The listener may then play the songs as many times as desired. Copyright owners are paid royalties out of the purchase price of the music.

[0006] However, the purchase method requires that a substantial price be paid for the music, at least in part because of the virtually unlimited use associated therewith. Listeners appear to be becoming less willing to pay the purchase price for such prerecorded music, particularly as alternative methods for obtaining music become more popular.

[0007] The purchase method suffers from the additional disadvantage of requiring that media containing the desired songs be utilized. Such media is somewhat bulky, particularly when a large number of selections are desired. In some instances, it may not be practical to carry all of the songs desired because of the volume and/or weight of the media required. Such media is also undesirably subject to degradation due to use and mishandling. For example, scratches on a CD may inhibit its use.

[0008] A newer method of providing music to listeners is becoming increasingly popular. It is this method of providing music that is apparently making listeners less willing to pay the purchase price for music that is prerecorded on media. According to this newer method of providing music, the music is downloaded from the Internet or otherwise obtained (such as by trading with friends), as a data file. One popular example of such a data file is an MP3 file. MP3 is short for Moving Picture Experts Group 1, audio layer 3.

[0009] Although music embodied in data files can be obtained legitimately, such as via such services like iTunes (a trademark of Apple Computer, Inc.), the opportunity to download or trade music data files for free has heretofore hampered this legitimate method of obtaining music.

[0010] As such, although the prior art has recognized, to a limited extent, the problem of distributing music, the proposed solutions have, to date, been ineffective in providing a satisfactory remedy. Therefore, it is desirable to provide a method for distributing music that is convenient, does not involve the use of media, and which provides for the payment of royalties.

BRIEF SUMMARY OF THE INVENTION

[0011] While the apparatus and method has or will be described for the sake of grammatical fluidity with functional explanations, it is to be expressly understood that the claims, unless expressly formulated under 35 USC 112, are not to be construed as necessarily limited in any way by the construction of "means" or "steps" limitations, but are to be accorded the full scope of the meaning and equivalents of the definition provided by the claims under the judicial doctrine of equivalents, and in the case where the claims are expressly formulated under 35 USC 112 are to be accorded full statutory equivalents under 35 USC 112.

[0012] The present invention specifically addresses and alleviates the above mentioned deficiencies associated with the prior art. More particularly, according to one aspect the present invention comprises a method for playing music, wherein the method comprises displaying a list of playlists names, selecting one of the displayed playlist names, sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server, receiving a playlist from the playlist server wherein the received playlist corresponds to the attribute(s), selecting at least one song from the received playlist,

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sending information representative of the selected song(s) to a content server, receiving the selected song(s) from the content server and playing the selected song(s).

[0013] According to one method of operation, the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, a song is selected from the first device, and the song is played on the first device.

[0014] According to another method of operation, the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, a song is selected from the first device, and the song is played on a second device.

[0015] The method of the present invention optionally comprises selecting the second device. In this instance, the playlist names are displayed on a first device, the playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on the selected second device. Preferably, the second device is selected from the first device.

[0016] Preferably, the first device comprises a handheld portable device. For example, the first device may comprise a palmtop computer, an MP3 player, or a remote control for a second device.

[0017] Thus, the first device may comprise a remote control for a second device wherein the second device comprises a music rendering device. In this instance, songs are typically played upon the second device, although songs may also be played upon the first device.

[0018] Preferably, selecting one of the displayed playlist names and selecting a song from the playlist are performed using a touchscreen. If a second device is selected from the first device, the second device is also preferably selected using the touchscreen.

[0019] Preferably, communicating attributes of a playlist to a playlist server comprises communicating a name of a playlist to a playlist server. Communicating attributes of a playlist to a playlist server may comprise communicating to the playlist server at least one attribute such as a type of music listened to, at least one artist, at least one selection, at least one instrument, at least one record company, a region, a country, a state, a city, a school, and/or an ethnicity. The playlist server may then either locate or make a playlist that conforms to the attribute(s) of the requested playlist.

[0020] Sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server preferably comprises communicating the attribute(s) and the playlist via a network, preferably a wide area network such as the Internet.

[0021] Selecting at least one song from the playlist optionally comprises selecting a plurality of songs from the playlist and playing the selected song(s) then comprises playing the plurality of songs. The songs may be played in the order selected, in random order, or in any other desired order.

[0022] According to one aspect of the present invention, playlist recommendations based upon listening habits of a listener are automatically provided to the listener. Alternatively, the playlist recommendations may be based upon listening habits of another person. The playlist recommendations may comprise a list of currently popular songs within a single genre that is of interest to the listener.

[0023] Preferably, at least one parameter for a song that is being played on a second device can be adjusted from the first device. The parameters may include volume, tone, and/or balance.

[0024] According to one aspect, the present invention comprises a method for playing music, wherein the method comprises obtaining a playlist for a first device via the Internet, selecting a song from the playlist, and using the first device to cause a second device to play the selected song. The second device preferably obtains the song via the Internet.

[0025] According to one aspect, the present invention comprises a method for playing music, wherein the method comprises displaying a list of playlist names on a first device, selecting one of the displayed playlist names from the first device, sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a playlist server, receiving a playlist at the first device from the playlist server wherein the received playlist corresponds to the attribute(s), selecting at least one song from the playlist on the first device, sending information representative of the selected song from the first device to a content server, receiving the selected song at the first device from the content server, and playing the selected song(s) on the first device.

[0026] According to one aspect, the present invention comprises a method for playing music, wherein the method comprises displaying a list of playlist names on a first device, selecting one of the displayed playlist names from the first device, sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a playlist server, receiving at the first device a playlist from the playlist server wherein the received playlist corresponds to the attribute(s), selecting a second device, selecting at least one song from the playlist on the first device, sending information representative of the selected song from the first device to the second device, sending information representative of the selected song from the second device to a content server, receiving the selected song at the second device from the content server, and playing the selected song(s) on the second device.

[0027] According to one aspect, the present invention comprises a device for playing music, wherein the device comprises a display for displaying a list of playlist names and song names. The display is also for facilitating selection of playlists and songs. The device further comprises a network transceiver.

[0028] As used herein, the term network transceiver includes any circuit or device that facilitates communication via a network. Examples of network transceivers include Ethernet network interface cards (NICs) and circuits, as well as Bluetooth and WiFi cards and circuits.

[0029] The device is configured to facilitate displaying a list of playlist names on the display, selecting one of the displayed playlist names, sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server via the network transceiver, and receiving a playlist from the playlist server via the network transceiver. The received playlist corresponds to the attribute(s) sent to the playlist server. The device is further configured to facilitate selecting at least one song from the playlist, sending information representative of the selected song to a content server, receiving the selected song from the content server, and playing the selected song(s).

[0030] According to one aspect, the present invention comprises a device for playing music, wherein the device comprises a network transceiver. The device is configured to facilitate receiving information representative of a song from another device, sending of the information representative of the song to a content server via the network transceiver, receiving of the song from the content server, and playing of the song.

[0031] According to one aspect, the present invention comprises a playlist server comprising a memory within which a plurality of playlists are stored and a network transceiver. The playlist server is configured to facilitate receiving at least one attribute of a playlist via the network transceiver, identifying a playlist based upon the attribute(s), and sending of the playlist to a device via the transceiver.

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[0032] Preferably, the playlist server is further configured to facilitate serving of content. Thus, the playlist server and the content server are effectively the same server. However, as those skilled in the art will appreciate, the playlist server and the content server may be two entirely different servers and may be located in diverse locations with respect to one another.

[0033] According to one aspect, the present invention comprises a method for providing music, wherein the method comprises receiving at least one attribute of a selected playlist at a playlist server and transmitting a playlist that corresponds to the attributes from the playlist server to a first device.

[0034] According to one aspect, the present invention comprises a system for playing music, wherein the system comprises a first device configured to display names of playlists and names of songs and to facilitate selection of the playlists and songs, a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding to the received attribute(s) to the first device, and a content server configured to receive information representative of at least one song from the first device and to send corresponding songs to the first device. The present invention further comprises at least one second device configured to send attributes of a playlist to the playlist server, to send information representative of songs to the content server, to receive a playlist from the playlist server, and to receive songs from the content server.

[0035] According to one aspect, the present invention comprises a method for playing music, wherein the method comprises providing a first device that repeatedly wirelessly broadcasts a unique identification thereof and a password, and moving the first device into an area such that it can communicate wirelessly with at least one second device that repeatedly wirelessly broadcasts a unique identification thereof and a password. The first device displays names of the second device(s) for which the password is an authorized password for the first device, such that the first device can be used to select songs to be

played on the second device(s). Each of the second devices displays the name of the first device when the password of the first device is an authorized password for the that second device, such that the second device can be used to select songs to be played on the first device.

[0036] According to one aspect, the present invention comprises a system for playing music, wherein the system comprises a playlist server in communication with the Internet wherein the playlist server has a plurality of playlists stored thereon, a content server in communication with the Internet wherein the content server has a plurality of songs stored thereon, a rendering device for playing songs, a set-top box in communication with the rendering device for facilitating communication of the songs from the content server to the rendering device via the Internet, and a remote control for controlling the set-top box.

[0037] The remote control is configured to obtain a playlist from the playlist server, facilitate selection of a song from the playlist, and control the set-top box so as to cause the set-top box to download the song and cause the song to play on the rendering device.

[0038] The remote control is preferably dockable to the set-top box. The remote control may be either in wired or wireless communication with the set-top box when docked thereto. The remote control is preferably in wireless communication with the set-top box when the remote control is not docked thereto. The remote control can preferably be used to control the set-top box whether the remote control is docked thereto or not.

[0039] The remote control preferably comprises a display and a keypad for facilitating control of the set-top box and consequently for facilitating control of the rendering device. The set-top box optionally comprises a display and a keypad for facilitating control thereof and consequently for facilitating control of the rendering device.

[0040] According to one aspect, the present invention comprises a method for providing content, wherein the method comprises selecting content from a remote control and providing the selected content to a media player via a network.

[0041] These, as well as other advantages of the present invention, will be more apparent from the following description and drawings. It is understood that changes in the specific structure shown and described may be made within the scope of the claims, without departing from the spirit of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

[0042] The invention and its various embodiments can now be better understood by turning to the following detailed description of the preferred embodiments which are presented as illustrated examples of the invention defined in the claims. It is expressly understood that the invention as defined by the claims may be broader than the illustrated embodiments described below.

[0043] Figure 1 is a block diagram showing an exemplary embodiment of the digital entertainment system of the present invention;

[0044] Figure 2 is a block diagram showing further detail of an exemplary first device or remote control of Figure 1;

[0045] Figure 3 is a flow chart showing one way of operating a digital entertainment system of the present invention;

[0046] Figure 4 is a flow chart showing another way of operating a digital entertainment system of the present invention;

[0047] Figure 5 is a flow chart showing operation of a discovery process wherein devices of the present invention recognize one another;

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[0048] Figure 6 is a block diagram showing an exemplary embodiment of the digital entertainment network of the present invention, wherein a set-top box has a removable remote control disposed within a cradle thereof;

[0049] Figure 7 is a block diagram showing the digital entertainment network of Figure 6, wherein the set-top box has the removable remote control disposed out of the cradle thereof; and

[0050] Figure 8 is a block diagram showing the discovery process for both a local device and a remote device.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0051] Many alterations and modifications may be made by those having ordinary skill in the art without departing from the spirit and scope of the invention. Therefore, it must be understood that the illustrated embodiment has been set forth only for the purposes of example and that it should not be taken as limiting the invention as defined by the following claims. For example, notwithstanding the fact that the elements of a claim are set forth below in a certain combination, it must be expressly understood that the invention includes other combinations of fewer, more or different elements, which are disclosed herein even when not initially claimed in such combinations.

[0052] The words used in this specification to describe the invention and its various embodiments are to be understood not only in the sense of their commonly defined meanings, but to include by special definition in this specification structure, material or acts beyond the scope of the commonly defined meanings. Thus if an element can be understood in the context of this specification as including more than one meaning, then its use in a claim must be understood as being generic to all possible meanings supported by the specification and by the word itself.

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[0053] The definitions of the words or elements of the following claims therefore include not only the combination of elements which are literally set forth, but all equivalent structure, material or acts for performing substantially the same function in substantially the same way to obtain substantially the same result. In this sense it is therefore contemplated that an equivalent substitution of two or more elements may be made for any one of the elements in the claims below or that a single element may be substituted for two or more elements in a claim. Although elements may be described above as acting in certain combinations and even initially claimed as such, it is to be expressly understood that one or more elements from a claimed combination can in some cases be excised from the combination and that the claimed combination may be directed to a subcombination or variation of a subcombination.

[0054] Insubstantial changes from the claimed subject matter as viewed by a person with ordinary skill in the art, now known or later devised, are expressly contemplated as being equivalently within the scope of the claims. Therefore, obvious substitutions now or later known to one with ordinary skill in the art are defined to be within the scope of the defined elements.

[0055] The claims are thus to be understood to include what is specifically illustrated and described above, what is conceptionally equivalent, what can be obviously substituted and also what essentially incorporates the essential idea of the invention.

[0056] Thus, the detailed description set forth below in connection with the appended drawings is intended as a description of the presently preferred embodiments of the invention and is not intended to represent the only forms in which the present invention may be constructed or utilized. The description sets forth the functions and the sequence of steps for constructing and operating the invention in connection with the illustrated embodiments. It is to be understood, however, that the same or equivalent functions may

be accomplished by different embodiments that are also intended to be encompassed within the spirit of the invention.

[0057] The digital entertainment network of the present invention is preferably a fully integrated plug and play technology platform that delivers secure anytime, anywhere, on-demand multimedia content for digital home systems.

[0058] The digital entertainment network provides efficient and ubiquitous wireless and web-enabled control over digital home systems by enabling users to access and manage music content using a variety of control devices and by delivering such content to a wide variety of different rendering devices.

[0059] On-demand delivery of content, such as streaming music, is provided utilizing such user-friendly features such as customized playlists, collaboration, music management tools, and search capability.

[0060] The present invention preferably provides a plug and play control point that has the software intelligence that forms the basis for a truly integrated entertainment network system. This control point architecture delivers the ability to unify content, such as music or other types of multimedia content, with control applications that enable system users to access content from a variety of different remote control devices and deliver such content to a variety of rendering devices.

[0061] For example, the control point enables a digital entertainment network user to utilize a PDA or other device to browse for music on the Internet, then select and play a song on an MP3 player or the like, or even on stand-alone audio speakers. In another embodiment, the control point allows a user to choose a song via a set-top device, then play that music on a television, stereo system, or the like.

[0062] Preferably, the present invention comprises a web services based component that provides users with on-demand music streamed to a variety of devices, such as MP3

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players, set-top boxes and home stereo systems. Thus, according to one aspect, the present invention is a web-based content and music management system that offers users a number of desirable features via a web browser.

[0063] These features preferably include web-based music catalog browsing via jukebox interface, search capability (to find artists and specific selections), the use of standard playlists, the use of custom playlists (created by each user), the ability to select different devices on which to play songs, the ability to view a user's activity over a given time period or in real-time with the activity streamer, collaboration, the ability to find buddies with the same music preferences you have in your playlists, the ability to share playlists with buddies, the ability to view buddies' activity based on various time periods, instant messaging for chatting among users, and the use of a set top box to facilitate the use of playlists and the streaming of content.

[0064] According to one aspect, the digital entertainment network of the present invention comprises a set-top box that provides users with on-demand music streamed to a variety of devices. The set-top box is a web-based content and music management system that offers users a list of features including the need for little or no setup (plug into Ethernet and video out, audio out), content catalog browsing, search capability (to find artists and specific selections), the use of standard playlists, the use of custom playlists (created by each user), the ability to select different devices on which to play songs, the ability to view your activity over a given time period or in real-time with the activity streamer, collaboration, the ability to find buddies with the same music preferences you have in your playlists, the ability to share playlists with buddies, the ability to view buddies' activity based on various time periods, and instant messaging for chatting among users.

[0065] The digital entertainment network of the present invention comprises control devices that allow users to communicate with the control point and give commands to

render music/multimedia content on various different rendering devices. Examples of control devices include the personal digital assistant (PDAs) and set-top boxes.

[0066] According to one aspect of the present invention, a PDA based control application allows users to roam the house and play music content that is accessed via the PDA and is available via an Internet based service. According to one aspect, the content is played via set-top boxes, i.e., rendering devices, which may be located throughout the home.

[0067] The digital entertainment network also includes rendering devices that receive instructions from the control point and thereby render music/multimedia content. Rendering device examples include the set-top devices, home stereo systems and televisions. A variety of different types of rendering devices are possible. Audio content, such as music, may be rendered on audio rendering devices such as speakers, a stereo, and a television. Similarly, audio/video content, such as movies and television shows, may be rendered on televisions, stand alone monitors, and computer monitors. Indeed, either audio or audio/video content may be rendered on a variety of other types of devices, such as cellular telephones, PDAs, and laptop computers.

[0068] According to one aspect of the present invention, a set-top device is a key rendering device that plays music content on other rendering devices, such as televisions and stereo systems, throughout the home.

[0069] The digital entertainment network of the present invention optionally comprises a billing application for handling the financial transaction activities associated with streaming content payment and usage. The billing application preferably performs functions such as transaction and usage logging for billing processing, automated billing of customers, automated notification of the inability to charge a credit card on file (exception handling), and automated calculation and wire transfer of funds to content providers.

[0070] The present invention is illustrated in Figures 1 - 8, which depict presently preferred embodiments thereof.

[0071] Referring now to Figure 1, a preferred embodiment of the present invention comprises a playlist server/content server 10 that is in communication with a network, preferably a wide area network such as the Internet 11. Also in communication with the network are a first device 13 and a second device 14, which are both typically located within a common structure, such as a home or office 12. The first device 13 generally assumes the function of the control point, although the second device 14 may have this functionality, as well.

[0072] The playlist server/content server 10 may be a single server. Alternatively, the playlist server and the content server may be two separate servers. Indeed, the playlist server may comprise a plurality of separate servers and/or the content server may similarly comprise a plurality of different servers.

[0073] The playlist server/content server is in bi-directional communication with the Internet 11, as indicated by arrow 19. The first device 13 is in bi-directional communication with the Internet 11, as indicated by arrow 16. The second device 14 is in bi-directional communication with the Internet 11, as indicated by arrow 17.

[0074] The first device is in communication with the second device, as indicated by arrow 18. The first device may be in either unidirectional or bi-directional communication with the second device 14.

[0075] The first device 13 may comprise any of a plurality of different types of devices. For example, the first device 13 may comprise a handheld portable device such as a personal digital assistant (PDA), a palmtop computer, an MP3 player, a telephone, or a remote control for a music rendering device. The first device may alternatively comprise a non-portable device, such as a desktop computer, a television, or a stereo.

[0076] The second device 14 may comprise the same type of device as the first device 14 or may alternatively comprise a different type of device with respect thereto. Thus, the first and second devices may comprise portable devices, non-portable devices, or any combination thereof.

[0077] The second device may also comprise one or more smart speakers. As defined herein, standalone smart speakers are speakers that are not connected to a device such as a stereo, television, or computer. Smart speakers are typically in communication with a network and can thus receive content therefrom. Typically, smart speakers comprise dedicated signal conditioning circuitry such as audio amplifiers.

[0078] According to one embodiment of the present invention, the first device 13 comprises a remote control for the second device 14. Thus, the second device may comprise a music rendering device such as a stereo, a television, or a home computer and the first device may comprise a handheld remote control therefor.

[0079] Any desired number of first and second devices may be provided according to the present invention. For example, the first device may comprise a remote control that controls a plurality of second devices, such as a television, a DVD player, and a stereo system.

[0080] Referring now to Figure 2, the first device 13 may comprise a handheld portable device that comprises a display 22, a keypad 23, and a network transceiver 24. The display 22 facilitates viewing and selection of playlist names, as well as viewing and selection of songs within a playlist, as discussed in detail below. The keypad 23 facilitates selection of playlist names and selection of songs, as also discussed in detail below.

[0081] The display 22 may optionally comprise a touchscreen display and the keypad may optionally be omitted. In this instance, all selection may be performed via the touchscreen display.

[0082] The network transceiver 24 preferably comprises a wireless network transceiver, such network transceiver conforming to the Bluetooth (a trademark of Bluetooth SIG, Inc.) standard and/or conforming to the WiFi (a trademark of the WiFi Alliance) standard.

[0083] The device shown in Figure 2 may also be the second device 14 according to one aspect of the present invention. However, for explanatory purposes it may sometimes be beneficial to think of the first device as a small handheld portable device such as a PDA or dedicated remote control that can function to control the second device and it may similarly sometimes be beneficial to think of the second device as a larger music rendering device such as a stereo, television, or personal computer. Of course, such embodiments of the present invention are by way of example only, and not by way of limitation.

[0084] Having described the general structures of the present invention, the general operation thereof will next be described with reference to Figures 3 and 4. In operation, the digital entertainment network of the present invention provides convenient access to a very large database of music without requiring that the music be stored and kept by the listener on media such as CDs. This convenient access is provided by maintaining the database of music at a remote location, i.e., in an Internet based content server 10.

[0085] That is, the present invention generally does not attempt to store songs within the music rendering devices themselves, but rather generally downloads songs via a network, as needed. Such operation simplifies the construction and operation of the music rendering devices by eliminating the need for large storage capacities. The elimination of the need for large storage capacities results in a cost savings for manufacturing and purchasing the music rendering devices.

[0086] Downloading the music on an as-needed basis provides access to a very large database of songs that contains many more selections than can be stored on contemporary music rendering devices. Downloading the music on an as-needed basis

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also facilitates the payment of royalties to the music owners in a manner that is fair to both listeners and music owners.

[0087] One exception to downloading of music on an as-needed basis according to the present invention is optionally the use of caching. Songs that are played repeatedly may be cached, so as to mitigate the need for a network connection and thus mitigate the need for the bandwidth associated therewith. The playing of cached songs can be reported via the network and royalties paid as though the song had been downloaded strictly on an as-needed basis.

[0088] Preferably, the present invention comprises a first device that may operate in two different ways. According to a first way of operation, as shown in Figure 3 and discussed in detail below, a listener selects a song to be played from a playlist on the first device and the song is then played on the first device. According to a second way of operation, as shown in Figure 4 and discussed in detail below, a listener selects a song to be played from a playlist on the first device and the song is then played on another device, e.g., a second device.

[0089] Referring now to Figure 3, the first way of operation of the first device is illustrated. A list of playlists is displayed on the first device as shown in block 31. The list of playlist is a list of playlist names, numbers, or other indicia indicative of individual playlists. For example, the list of playlists may include graphic symbols or icons in addition to or in place of other indicia. As used herein, the term playlist name includes any indicia that are uniquely representative of a playlist.

[0090] Each item on the list of playlists is representative of a particular playlist. Each playlist may come from any one of a variety of sources. For example, a playlist may be compiled by a user, a playlist may be obtained from someone else, or a playlist may be formed by a computer using an algorithm that attempts to identify songs that will suit the tastes of the listener.

[0091] The playlists are stored on a playlist server and are downloaded to the first device and the second device as requested by the listener. As mentioned above, the playlist server may be the same server as the content server.

[0092] Optionally, playlists as well as songs may be cached on the first device and/or the second device.

[0093] The list of playlists may be displayed upon the display 22 of the first device or may be displayed in any other desired manner. For example, the list of playlists may be displayed on the monitor of another device.

[0094] One of the displayed playlists is selected by the listener as shown in block 32. The selected playlist is a playlist that is expected to contain one or more songs that the listener would like to listen to. For example, the displayed list of playlists may contain a playlist named rock favorites, a playlist named country favorites, and a playlist named classical favorites. If the listener wants to listen to classical music that is on the playlist named classical favorites, the playlist named classical favorites is selected.

[0095] The desired playlist may be selected by using a touchscreen display of the first device 13, may be selected using the keypad 23, or may be selected by any other desired means.

[0096] At least one attribute of the selected playlist is sent from the first device to a playlist server as shown in block 33. The attribute(s) may comprise, for example, the name of a playlist, the number of a playlist, and/or any other unique identifier of a playlist.

[0097] Alternatively, the attribute(s) may comprise one or more parameters that are indicative of the type of music that the listener would like to hear. For example, the attribute(s) may comprise a code that indicates that a list of the top ten country hits for the week that is to be returned. The user may preferably compile sets of such parameters so as to facilitate the retrieval of custom, up to date playlists from the playlist server. Such

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parameters may be compiled directly on the first device or on any other device, such as a personal computer.

[0098] A playlist that corresponds to the attribute(s) is sent from the playlist server and is received by the first device as shown in block 34. This playlist is a list of songs containing at least one song that the listener would like to hear.

[0099] The listener selects at least one song from the received playlist, as shown in block 35. Either a single song may be selected, or a plurality of songs may be selected. The song(s) may be selected by using a touchscreen display of the first device 13, may be selected using the keypad, or may be selected by any other desired means.

[00100] Information representative of the selected song(s) is sent to a content server 10. The information may comprise the name(s) of the songs, the number(s) of the songs, or any other unique identifier thereof.

[00101] The selected song(s) are communicated from the content server 10 to the first device 13 via the Internet 11 as shown in block 37. The format of the selected songs may be MP3, WAV, or any other desired format.

[00102] The selected songs are played by the first device 13 as shown in block 38. The selected songs may be played in the order selected, in random order, or in any other desired order. The order can preferably be changed at any time.

[00103] The songs may be played via one or more speakers that are part of the first device 13, by one or more speakers that are in communication with the first device 13 (such as via a wired or wireless connection), by headphones, by earphones, or by any other desired means.

[00104] The volume, tone, and balance of the songs is preferably adjustable via the first device 13, such as via the display 22 and/or keypad 23 thereof.

[00105] Referring now to Figure 4, the second way of operation of the first device is illustrated. According to this second way of operation, a list of playlists is displayed as shown in block 41, one of the playlists is selected as shown in block 42, at least one attribute is sent to the playlist server as shown in block 43, and a playlist is received as shown in block 44, all in the same fashion as in the first way of operation discussed above.

[00106] According to the second way of operation, the song is played on a device other than the first device 13. Thus, a second device 14 typically must be selected as shown in block 45. A particular second device may be selected from a list of second devices that is displayed on the first device 13. For example, a listener's desktop computer may be selected from a list having the desktop computer, a television, and a stereo listed thereon.

[00107] Preferably the list of second devices is dynamic and is automatically updated, such as via the use of a device discovery process that is described in detail below. Alternatively, the list of second devices may be pre-configured by the listener and then manually updated, as desired.

[00108] At least one song is selected from the playlist as shown in block 46 and as discussed above.

[00109] Information representative of the selected song(s) is sent from the first device 13 to the second device 14. This information tells the second device 14 what song(s) are to be played. However, the second device does not typically have the selected songs stored therein. In some instances the selected songs may be cached within a memory of the second device 14, as discussed above.

[00110] The second device 14 sends information representative of the selected song(s) to a content server. Optionally, the second device also sends at least one attribute

of the playlist from which the song(s) were selected on the first device 13 to the playlist server, as well.

[00111] The selected song(s) are received from the content server by the second device as shown in block 44 and are ready for playing. Optionally, the same playlist that is presently available for display on the first device is received from the playlist server, such that it is also available for display on the second device.

[00112] Generally, songs may be selected and played from the second device 14, as well as from the first device 13, such that it is beneficial to display the playlist on the second device 14. Even if songs cannot be selected and displayed from the second device 14, it may still be beneficial to view the playlist thereon.

[00113] The selected song is played on the second device 14 as shown in block 50 and discussed above. Parameters of the song such as volume, tone, and balance are optionally controllable from the first device 13.

[00114] Optionally, playlist and/or songs are cached in the first device 13 and/or the second device 14. Caching is particularly beneficial when the same songs and/or playlist are used repeatedly.

[00115] Although playlists and/or songs may be cached so as to mitigate the need for repeated downloading thereof from the playlist/content server 10, the memory requirements of the first device 13 and second device 14 are substantially reduced. This is true because the first device 13 and the second device 14 of the present invention do not store a substantial quantity of playlists or songs thereon.

[00116] That is, the first device 13 and the second device 14 of the present invention do not have to store all of the songs that a listener wishes to hear thereon. Rather, any such storage is generally incidental. Typically, a large number of the songs played by the first device 13 and the second device 14 are stored on the content server 10 and are

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communicated via the Internet 11 to the first device 13 and/or the second device 14 as needed.

[00117] Of course, such remote storage reduces the need for memory for the first device 13 and the second device 14, thereby desirably reducing the cost and size thereof and also enhancing the reliability thereof.

[00118] Referring now to Figure 5, according to one aspect of the present invention all of the devices within an area, such as the area within which the devices can receive each other's wireless broadcast signals, are aware of one another and communicate with one another. When a new device enters the area, the existing devices become aware of the new device and the new device becomes aware of the existing devices via a discovery process.

[00119] According to this discovery process, all devices may periodically broadcast an identification code and a password. The identification code uniquely identifies the device. The password authorizes the device to communicate with other devices within the area.

[00120] When a new device enters the area, the new device and the existing devices communicate with one another. This may be done either directly or via a server, as discussed in detail below. The new device recognizes any of the other devices that have an acceptable password and displays a list of the other devices on its list of available devices, so that the other devices may be selected as second devices for playing of songs, as discussed above.

[00121] Similarly, the devices already in the area recognize the new device if the new device has an acceptable password, and the devices already in the area display the new device in their list of available devices so that the new device may be selected as a second device for the playing of songs, if desired.

[00122] Alternatively, when a user enters a place with a new device, he can search for other devices by broadcasting on the network (whether wired or wireless), as shown in block 51. The other devices will return a location ID for the location or realm of which they are a part, as shown in block 52. The user can then select a desired one of the locations and enter the correct password for that location, as shown in block 53. Once this is done, then all of the devices in that realm will show up regardless of whether they are local or remote, as shown in block 54. The user is then free to do whatever the user wants to do with the other devices, if the security is set up to allow other users to control the other devices. For example, the user may play a song through another device or download a song therefrom.

[00123] Referring now to Figure 8, the discovery process is described in further detail. Preferably, a device can obtain a list of other devices in one of two different ways. According to a first way of obtaining lists of other devices, the lists are obtained through a server whether the device obtaining the lists is a local device or a remote device. According to a second way of obtaining lists of other devices, the lists are obtained directly from the other devices themselves, as long as the device obtaining the lists and the other devices are all local devices.

[00124] A local device is a device that is on the same local area network (LAN) as the other devices. That is, devices are considered to be local with respect to one another if they are all on the same local area network. A remote device is a device that is not on the same local area network as the other devices.

[00125] According to the first way of obtaining device lists, server 81, preferably on a wide area network such as the Internet, facilitates communication of a list of devices to a new device. The server may be the same server as the playlist server/content server 10 of Figures 1, 6, and 7 or may be a different server.

[00126] For example, if PDA 82 is a new device entering the area of a wireless local area network, a user may enter a user name or ID, a location identifier, and a password into the PDA 82. The user name or ID identifies the user to the rest of the local area network. An example of a user name or ID would be Joes PDA.

[00127] The location entry identifies the network that the user wants to become part of. For example, a network at Joe's house may be conveniently named Joes House.

[00128] The password is typically necessary to be part of the local area network. That is, the local area network will typically not allow a new device to log thereon without the correct password. The use of passwords may optionally be omitted, if desired.

[00129] Once the appropriate ID, location, and password have been entered, then the PDA 82 communicates with the server 81, such as via a wireless access point. The server 81 maintains a list of the devices on the local area network and communicates this list to the new device, i.e., the PDA 82.

[00130] The PDA 82 may then be used to select and control another device on the local area network, such as stereo 83. That is, the user may select the stereo 83 from the list of devices on the local are network and then may command the stereo to play a song or playlist of songs on the playlist of the PDA 82. The PDA 82 may also be used to control parameters of the song being played on the stereo 83, such as volume, tone, and balance. The PDA 82 may also be used to control the order in which the songs are played.

[00131] The PDA 82 may directly control the stereo 83, as indicated by the arrows therebetween. Alternatively, the PDA 82 may control the stereo through the server 81, particularly in those instance wherein communication directly between the PDA 82 and the stereo 83 are not adequately facilitated, such as when the distance therebetween is too great or when an obstruction (such as a wall or a larger piece of furniture) blocks the signal between the PCA 82 and the stereo 83.

[00132] When a new device can become part of the local area network, as described above, then the new device is a local device. However, in some instances a remote device may similarly be used to control a device on the network, such as the stereo 83, even though the remote device is not part of the local area network.

[00133] For example, the cell phone 84 is a remote device because it is not part of the local area network that the stereo 83 is on. However, the cell phone 84, may still communicate with the server 81, so as to obtain the list of devices on the local area network therefrom. It is still necessary for the cell phone user to enter an ID, location, and password into the cell phone, as was done with the PDA.

[00134] The remote device, i.e., cell phone 84, may similarly be used to control the stereo. However, the control signal will be communicated from the cell phone 84 to the server 81 through the server, since direct communication between the cell phone 84 and the stereo is typically not facilitated. Thus, the server 81 functions as a gateway for the remote device to communicate with devices on the local area network.

[00135] Preferably, the list of devices communicated from the server 81 to a new device, e.g., PDA, contains an indication as to whether devices on the list are local or remote with respect to the local area network. Thus, the new device knows whether commands to other devices must go through the server 81 or not.

[00136] According to the second way of obtaining a list of devices, instead of obtaining the list from the server 81, each device continuously broadcasts its presence, so as to facilitate auto-detection thereof. Thus, each device individually compiles its own list of other devices by monitoring the broadcasts therefrom. Preferably, a user must enter an ID, location, and password, as discussed above.

[00137] According to either method for obtaining a list of devices, a particular physical location, such as a coffee shop for example, may contain a plurality of logical locations or

realms. Thus, a user may select a particular logical location to log onto. For example, one group of people at the coffee shop may be logged onto a location or local area network named Joes Coffee Group, while another group of people is logged onto a different location or local area network named Bills Coffee Group. A person newly entering the physical location, i.e., the coffee shop, may choose which group to join.

[00138] However, the new person must have the correct password for the logical location that he wishes to join. The password may be obtained by requesting it from someone in the logical location. Logging on to the logical location causes a list of devices (or users) to be communicated to the new user's device and also causes the new user's device to be added to the device lists of the other users, as discussed above.

[00139] According to one embodiment of the present invention, the first device comprises a remote control for a set-top box and the second device comprises a rendering device that receives signals from the set-top, such as a television or stereo. This embodiment of the present invention is illustrated in Figures 6 and 7 and is described in detail below.

[00140] Referring now to Figure 6, one embodiment of the present invention comprises a set-top box 63 that provides a signal to a rendering device, such as a television or stereo 61. The set-top box is in communication with the Internet 11. A playlist server/content server 10 is also in communication with the Internet, as described above.

[00141] Optionally, the set-top box functions as a cable television box in addition to functioning as a portion of the digital entertainment network of the present invention.

[00142] A remote control 62 for the set-top box 63 preferably fits into a cradle defined by at least a portion of the set-top box. The remote control 62 communicates wirelessly with the set-top box to control operation of the rendering device 61.

[00143] The remote control 62 is in wireless communication with the Internet 11, such as via a wireless access point or wireless router 64.

[00144] The remote control 62 defines a first device, as described in detail above. The set-top box, in combination with the rendering device 61, defines a second device as also described in detail above.

[00145] Thus, playlists can be requested by the remote control 62 and downloaded from the playlist server 10 via the Internet 11 thereto. Similarly, songs may be downloaded to the remote control 62. The songs may be played on the remote control 62 or may be played on the rendering device 61 in its role as a second device as described above.

[00146] For example, a song may be previewed on the remote control 62, even while another song is being played on the rendering device 61. A song may be listened to solely on the remote control 62 as the remote control is carried about at home. Such listening may be via one or more speakers built into the remote control 62 or may be via earphones.

[00147] Optionally, the set-top box comprises a display, so that playlists and songs can be selected therefrom. Playlists and songs are downloaded to the set-top box in its role as a second device, as discussed above.

[00148] The remote control 62 may be used while cradled by the set-top box 63, as shown in Figure 6. Alternatively, the remote control 62 may be used while removed from the set-top box 63, as shown in Figure 7.

[00149] Chat is preferably provided by the first 13 and/or second 14 devices of the present invention. Chat may be used for collaboration among listeners, such as for the compilation and/or exchange of playlists. Such chat may be implemented as voice chat or as text chat in a fashion similar to Internet Relay Chat (IRC), Microsoft Instant Messenger (IM), or AOL Instant Messenger (IM).

[00150] According to one aspect of the present invention, playlist recommendations may be provided to a listener. These playlist recommendations may be provided by the playlist server and may be based upon the listening habits of the listener or upon previous playlist requests. The listening habits of the listener may be determined from playlist and/or song downloads from the playlist server and/or the content server. That is, a playlist recommendation of a playlist of the top ten contemporary songs may be made by the playlist server to a listener who continually listens to several of the songs on this playlist. Similarly, a playlist recommendation of a playlist of the top ten country songs may be made to a listener who has requested playlists containing country songs.

[00151] The playlist server may also provide playlist recommendations based upon the playlists of others. That is, the playlist server may be configured to recognize when two or more people appear to have similar listening habits and may then recommend the playlists of one of these people to others of the same group.

[00152] The wireless communications discussed herein may be effected via a network, such as a network conforming to the Bluetooth (a trademark of Bluetooth SIG, Inc.) standard and/or conforming to the WiFi (a trademark of the WiFi Alliance) standard.

[00153] Communications between the first and second devices may be either via a network or via dedicated non-network communications devices such as those utilizing any desired form of wireless data transfer, including those using infrared (IR) and radio frequency (RF).

[00154] Although the content described herein is music, those skilled in the art will appreciate that other types of content, including both audio and non-audio content, are likewise subject to use by the present invention. For example, the content may comprise talks, speeches, comedy sketches, stories or books that are read aloud, pictures, video, software, or data.

[00155] It is understood that the exemplary digital entertainment network described herein and shown in the drawings represents only presently preferred embodiments of the invention. Indeed, various modifications and additions may be made to such embodiments without departing from the spirit and scope of the invention. Thus, various modifications and additions may be obvious to those skilled in the art and may be implemented to adapt the present invention for use in a variety of different applications.

CLAIMS

Claims:

1. A method for playing music, the method comprising:

displaying a list of playlists names;

selecting one of the displayed playlists names;

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

receiving a playlist from the playlist server, the received playlist corresponding to the attribute(s);

selecting at least one song from the received playlist;

sending information representative of the selected song(s) to a content server;

receiving the selected song from the content server; and

playing the selected song(s).
2. The method as recited in Claim 1, wherein the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on the first device.
3. The method as recited in Claim 1, wherein the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on a second device.

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4. The method as recited in Claim 1, further comprising selecting a second device from the first device and wherein the playlist names are displayed on a first device, a playlist name is selected on the first device, the attribute(s) are sent from the first device, the playlist is received by the first device, the song is selected from the first device, and the song is played on a second device.

5. The method as recited in Claim 1, wherein the first device comprises a handheld portable device.

6. The method as recited in Claim 1, wherein the first device comprises a palmtop computer.

7. The method as recited in Claim 1, wherein the first device comprises an MP3 player.

8. The method as recited in Claim 1, wherein the first device comprises a remote control for a second device.

9. The method as recited in Claim 1, wherein the first device comprises a remote control for a second device and the second device comprises a music rendering device.

10. The method as recited in Claim 1, further comprising a second device upon which the selected song(s) are played.

11. The method as recited in Claim 1, wherein selecting one of the displayed playlist names and selecting a song from the playlist are performed using a touchscreen.

12. The method as recited in Claim 1, wherein communicating attributes of a playlist to a playlist server comprises communicating a name of a playlist to a playlist server.

13. The method as recited in Claim 1, wherein communicating attributes of a playlist to a playlist server comprises communicating at least one attribute selected from the group consisting of:

- type of music listened to;
- at least one artist;
- at least one album
- at least one song;
- at least one selection;
- at least one instrument;
- at least one record company;
- a region;
- a country;
- a state;
- a city;
- a school; and
- a year range;
- users favorites;
- a genre;
- a search criteria; and
- an ethnicity.

14. The method as recited in Claim 1, wherein sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server comprises communicating the attribute(s) and the playlist via a network.

15. The method as recited in Claim 1, wherein sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server comprises communicating the attribute(s) and the playlist via a wide area network.

16. The method as recited in Claim 1, wherein sending at least one attribute of a playlist to a playlist server and receiving a playlist from the playlist server comprises communicating the attribute(s) and the playlist via the Internet.

17. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs.

18. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs in the order selected.

19. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs in an order other than the order selected.

20. The method as recited in Claim 1, wherein selecting at least one song from the playlist comprises selecting a plurality of songs from the playlist and playing the selected song(s) comprises playing the plurality of songs in random order.

21. The method as recited in Claim 1, further comprising automatically providing a playlist recommendation based upon listening habits of a listener.

22. The method as recited in Claim 1, further comprising automatically providing a playlist recommendation based upon listening habits of a listener, the playlist recommendation comprising a playlist of another listener.

23. The method as recited in Claim 1, further comprising automatically providing a playlist recommendation based upon listening habits of a listener, the playlist recommendation comprising a list of currently popular songs within a single genre.

24. The method as recited in Claim 1, further comprising adjusting at least one parameter on a first device for a song that is being played on a second device, the first device having had a playlist downloaded thereto from the Internet and the second device having had the song downloaded thereto from the Internet, the parameter(s) being selected from the group comprising:

volume;

tone; and

balance.

25. A method for playing music, the method comprising obtaining a playlist for a first device via the Internet, selecting a song from the playlist, using the first device to cause a second device to play the selected song, and wherein the second device obtains the song from the Internet.

26. A method for obtaining a playlist, the method comprising sending at least one attribute of the playlist from a handheld portable device to a playlist server and receiving a playlist from the playlist server.

27. A method for playing music, the method comprising:

displaying a list of playlist names on a first device;

selecting one of the displayed playlist names from the first device;

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

receiving a playlist from the playlist server, the received playlist corresponding to the attribute(s) and being received by the first device;

selecting at least one song from the playlist on the first device;

sending information representative of the selected song from the first device to a content server;

receiving the selected song at the first device from the content server; and
playing the selected song(s) on the first device.

28. A method for playing music, the method comprising:

displaying a list of playlist names on a first device;

selecting one of the displayed playlist names from the first device;

sending at least one attribute of a playlist corresponding to the selected playlist name from the first device to a the second device; having the second device send the playlist attributes to the content server and receiving a playlist from the playlist server, the received playlist corresponding to the attribute(s) and being received by the first device;

selecting a second device;

selecting at least one song from the playlist on the first device;

sending information representative of the selected song from the first device to the second device;

sending information representative of the selected song from the second device to a content server;

receiving the selected song at the second device from the content server; and

playing the selected song(s) on the second device.

29. A device for playing music, the device comprising:

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a display for displaying a list of playlist names and song names and also for facilitating selection thereof;

a network transceiver for facilitating communication between the device and other devices on the network;

wherein the device is configured to facilitate:

displaying a list of playlist names on the display;

selecting one of the displayed playlist names;

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

receiving a playlist from the playlist server via the network transceiver, the received playlist corresponding to the attribute(s);

selecting at least one song from the playlist;

sending information representative of the selected song to a content server;

receiving the selected song from the content server; and

playing the selected song(s).

30. A device for playing music, the device comprising:

a network transceiver;

wherein the device is configured to facilitate:

receiving information representative of a song from another device;

sending of the information representative of the song to a content server via the network transceiver;

receiving of the song from the content server; and

playing of the song.

31. A playlist server comprising:

a memory within which a plurality of playlists are stored;

a network transceiver;

wherein the playlist server is configured to facilitate:

receiving at least one attribute of a playlist via the network transceiver;

identifying a playlist based upon the attribute(s); and

sending of the playlist to a device via the transceiver.

32. The playlist server as recited in claim 31, wherein the playlist server is further configured to facilitate serving of content.

33. A method for providing music, the method comprising:

receiving at least one attribute of a selected playlist at a playlist server; and

transmitting a playlist that corresponds to the attribute(s) from the playlist server to a first device.

34. A system for playing music, the system comprising:

a first device configured to display names of playlists and names of songs and to facilitate selection of the playlists and songs;

a playlist server configured to receive at least one attribute of a playlist from the first device and to send a playlist corresponding the received attribute(s) to the first device;

a content server configured to receive information representative of at least one song from the first device and to send corresponding songs to the first device; and

at least one second device configured to send attributes of a playlist to the playlist server, to send information representative of songs to a content server, to receive a playlist from the playlist server, and to receive songs from the content server.

PLAYLIST DOWNLOADING FOR DIGITAL ENTERTAINMENT NETWORK

ABSTRACT

A method for playing music includes displaying a list of playlists names, selecting one of the displayed playlists names, sending at least one attribute of a playlist corresponding to the selected playlist name to a playlist server, receiving a playlist from the playlist server wherein the received playlist corresponds to the attribute(s), selecting at least one song from the received playlist, sending information representative of the selected song to a content server, receiving the selected song from the content server, and playing the selected song(s). Requesting a playlist on the first device based on attributes, sending the same attributes to a second device having the second device request the playlist and start playing.

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FIG. 1

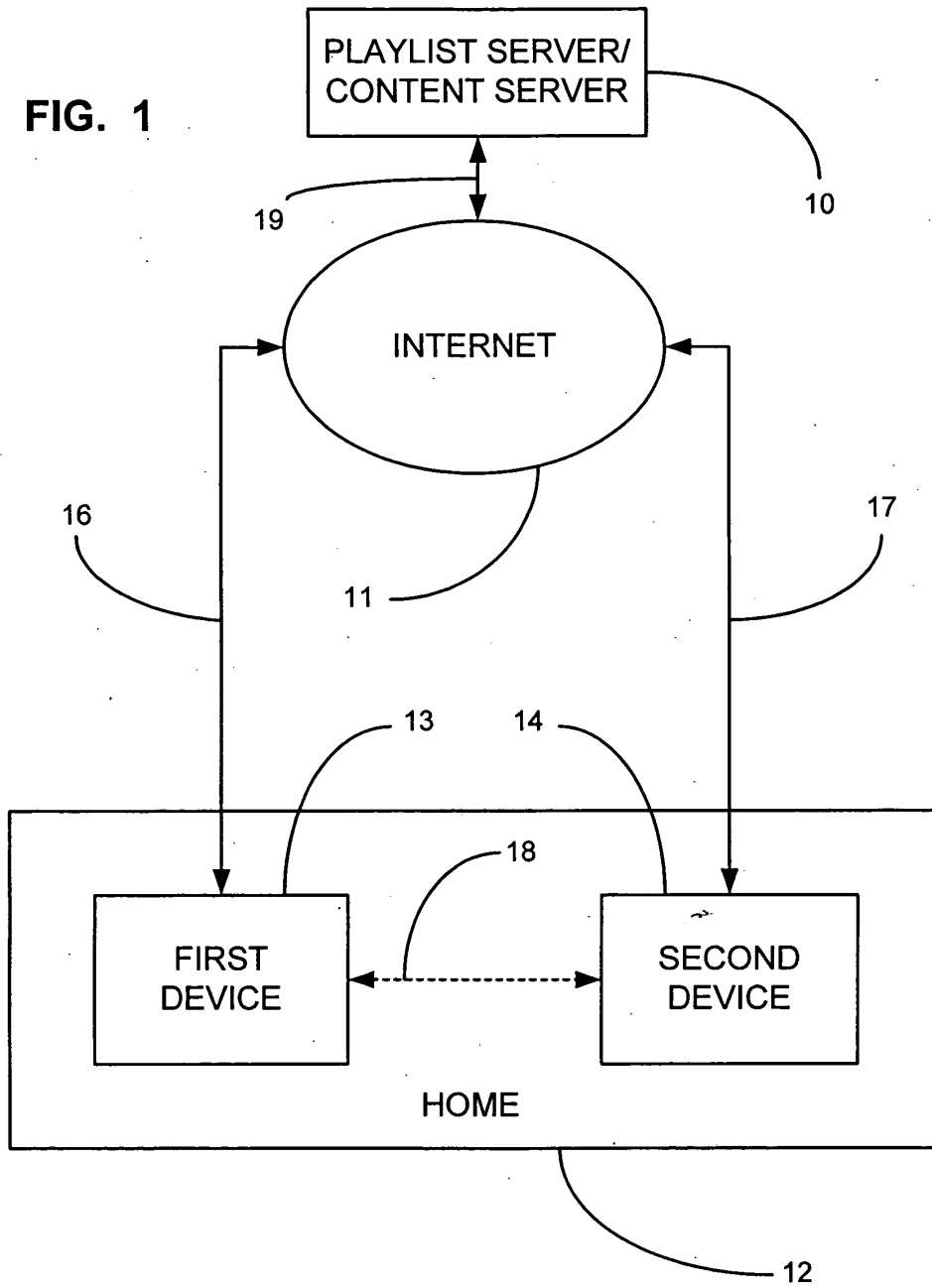


FIG. 2

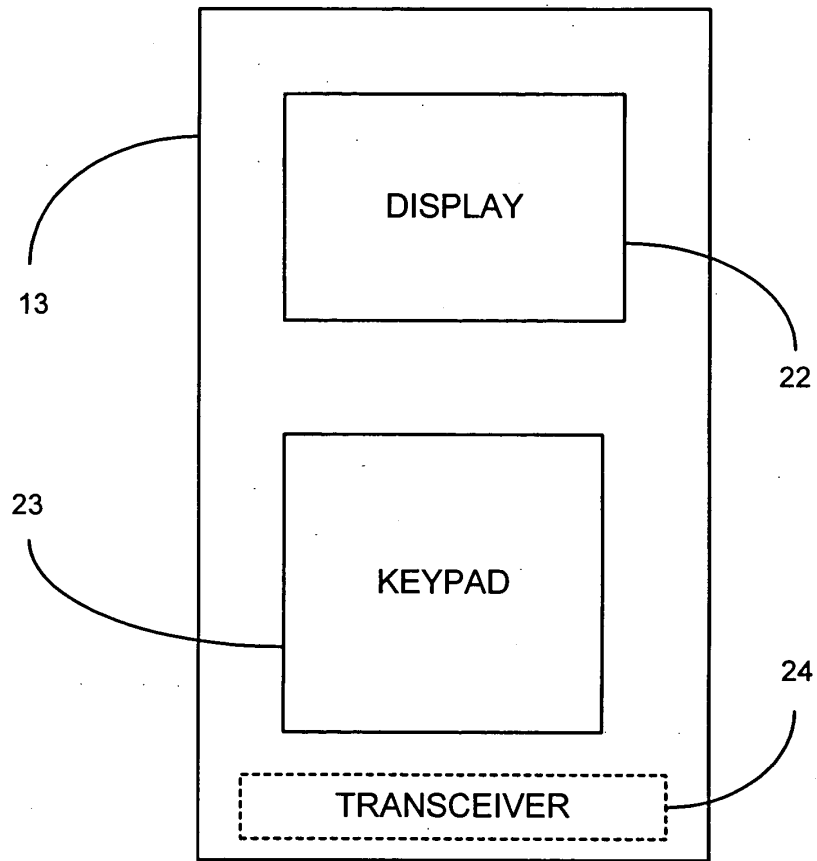


FIG. 3

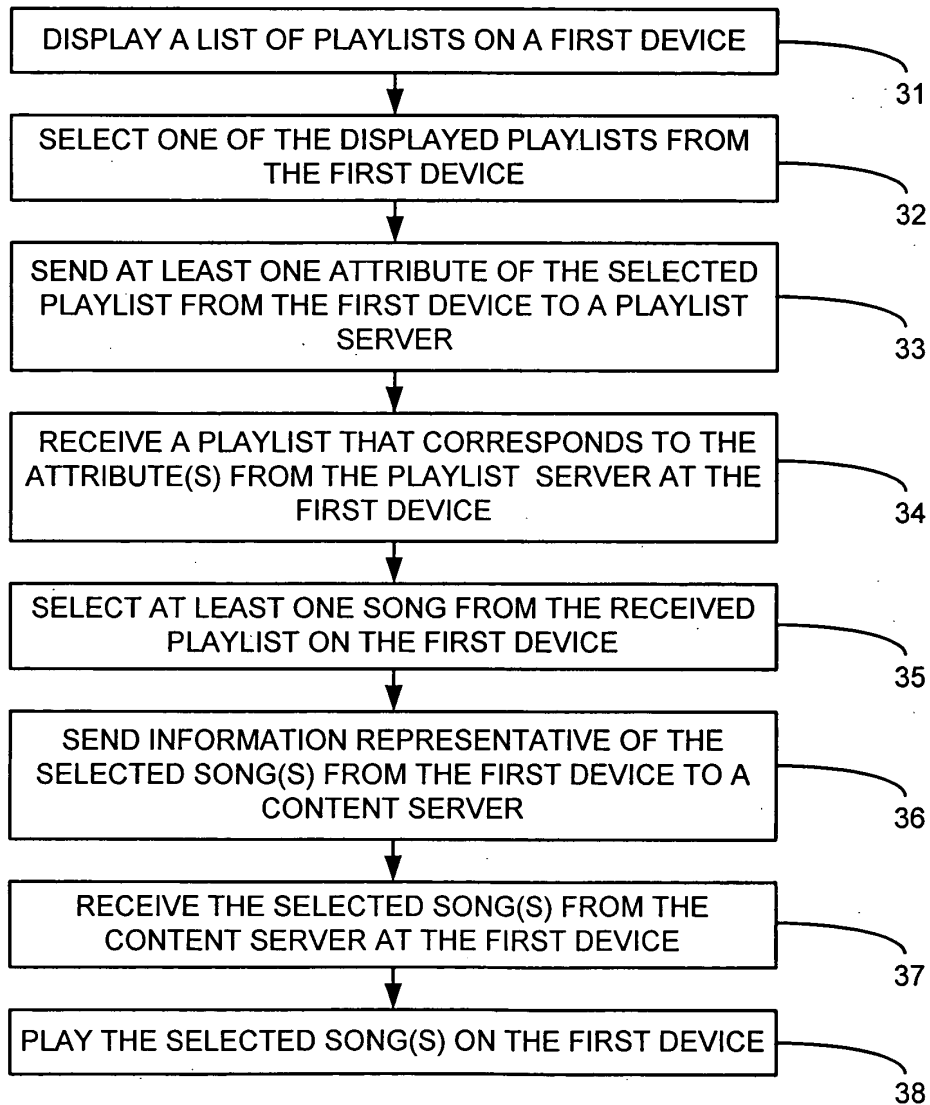


FIG. 4

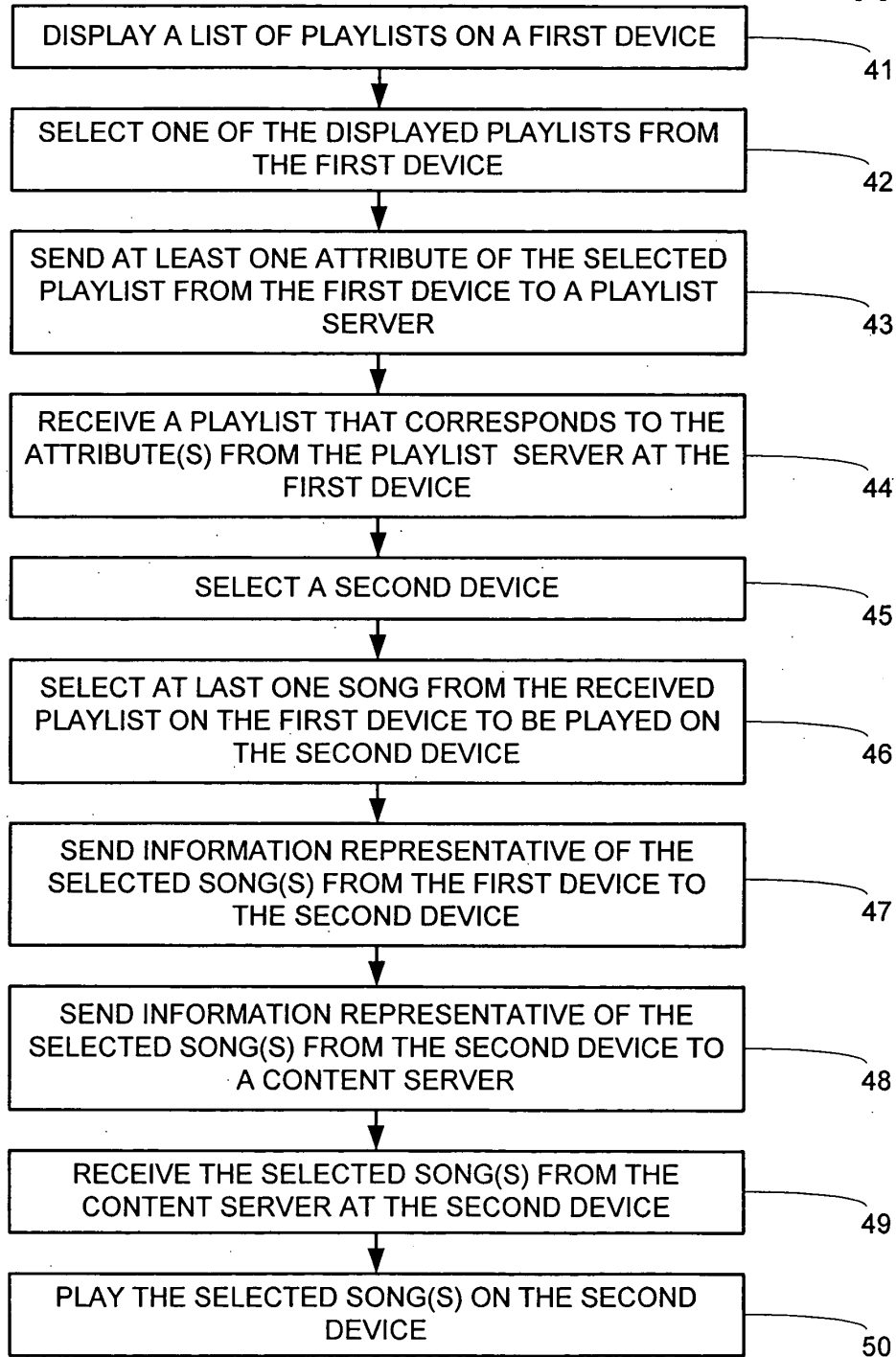


FIG. 5

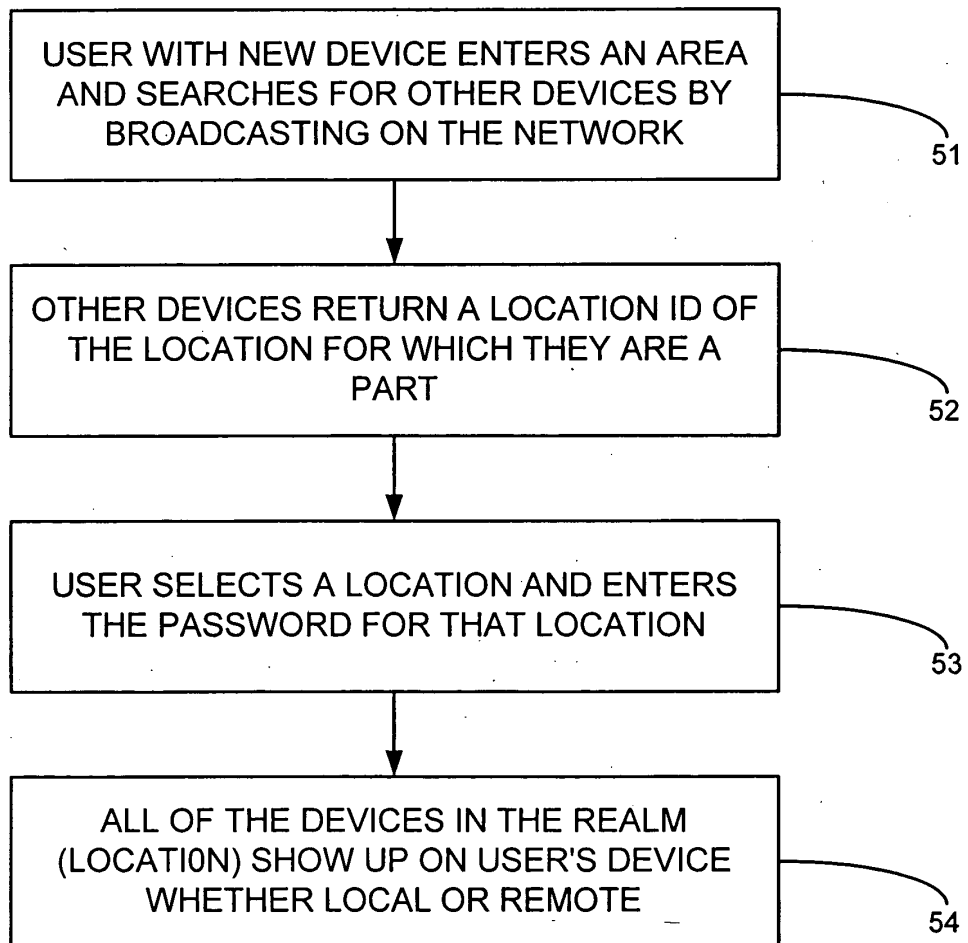


FIG. 6

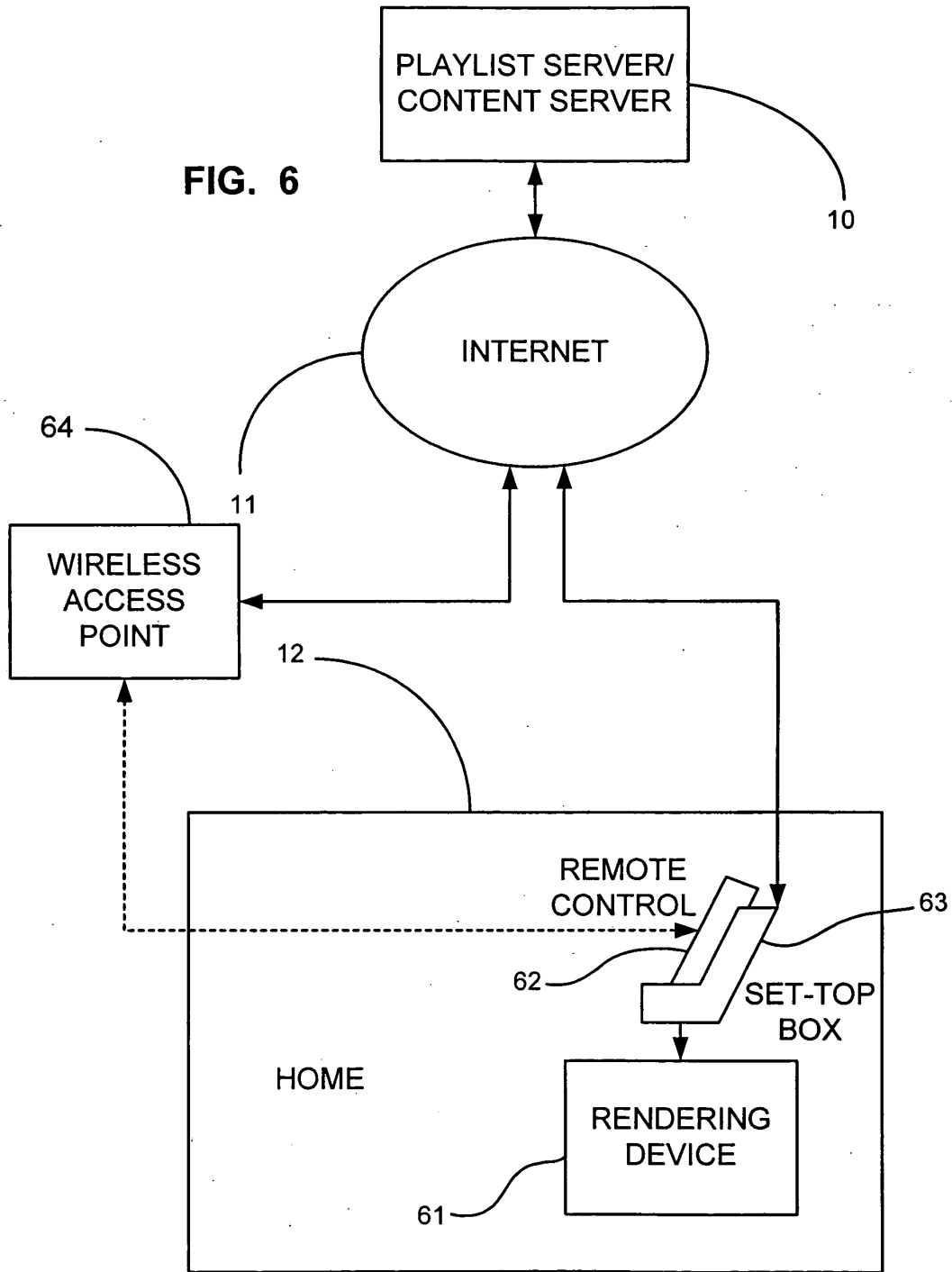


FIG. 7

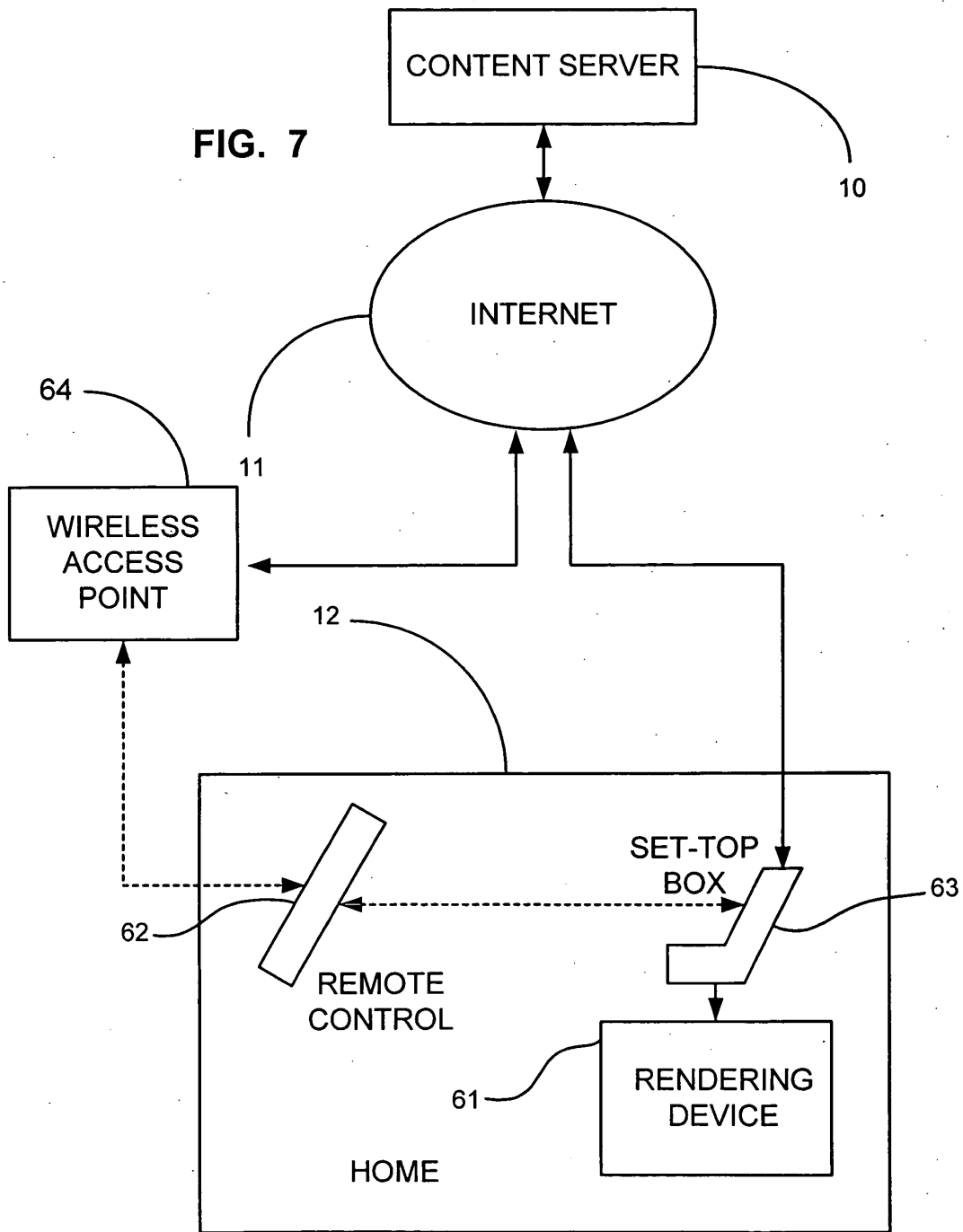
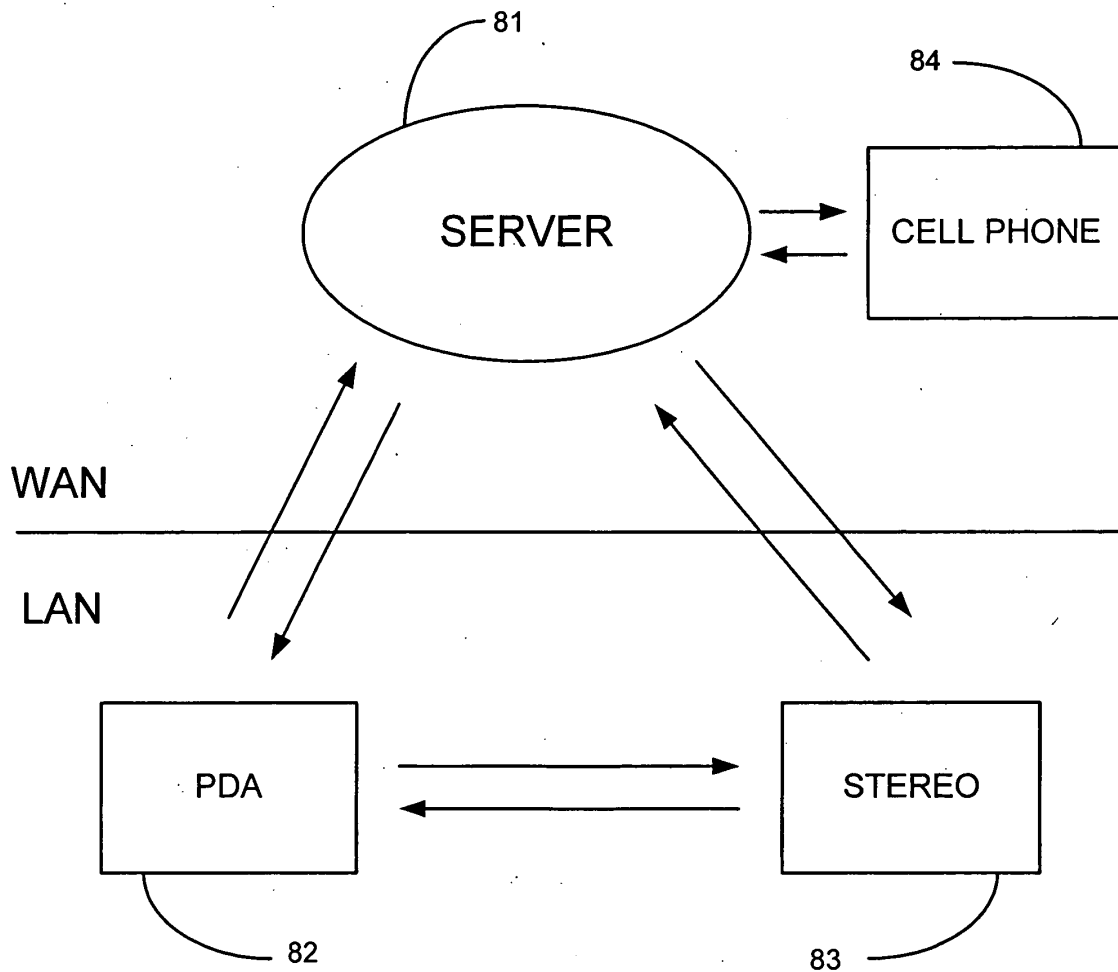


FIG. 8



PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2003

Application or Docket Number

10840109

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	34	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	34 minus 20 =	* 14
INDEPENDENT CLAIMS	10 minus 3 =	* 7
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
X\$ 9=	30.1
X43=	126
+145=	
TOTAL	812

RATE	FEE
BASIC FEE	770.00
X\$18=	
X86=	
+290=	
TOTAL	

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

05/10/2004 HMARZI1 00000089 10840109

01 FC:2001	385.00	OP
02 FC:2201	301.00	OP
03 FC:2202	126.00	OP

PTO-1556
(5/87)

*U.S. Government Printing Office: 2002 — 489-267/69033