

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING PATENT OR</b> <b>TRADEMARK</b>
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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.	DATE FILED	U.S. DISTRICT COURT
PLAINTIFF		DEFENDANT
Solocron Media, LLC		Verizon Communications Inc., Cellco Partnership d.b.a. Verizon Wireless, AT&T Inc., AT&T Mobility LLC, Sprint Corp., Sprint Communications Company L.P., Sprint Solutions Inc., & T-Mobile USA, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1. US6496692	12/17/2002	Solocron Media, LLC
2. US7257395	08/14/2007	Solocron Media, LLC
3. US7295864	11/13/2007	Solocron Media, LLC
4. US7319866	01/15/2008	Solocron Media, LLC
5. US7742759	06/22/2010	Solocron Media, LLC
6. US8249572	08/21/2012	Solocron Media, LLC
7. US8594651	11/26/2013	Solocron Media, LLC

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

DATE INCLUDED	INCLUDED BY	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK

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

DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director

Copy 2—Upon filing document adding patent(s), mail this copy to Director

Copy 3—Upon termination of action, mail this copy to Director

Copy 4—Case file copy



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/915,866	08/11/2004	Michael E. Shanahan	PREMM.000GEN

**CONFIRMATION NO. 8931**

**POA ACCEPTANCE LETTER**

20995  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614



Date Mailed: 05/20/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/11/2011.

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.

/mnguyen/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/915,866	08/11/2004	Michael E. Shanahan	MES/007

**CONFIRMATION NO. 8931**

**POWER OF ATTORNEY NOTICE**

39550  
KALIKO & ASSOCIATES, L.L.C.  
400-B Lake Street  
RAMSEY, NJ 07446



Date Mailed: 05/20/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/11/2011.

- 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).

/mnguyen/

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

Please Direct All Correspondence to Customer Number 20,995

**CHANGE OF CORRESPONDENCE ADDRESS**

Applicant : Shanahan, Michael E.  
App. No : 10/915,866  
Filed : August 11, 2004  
For : METHODS AND APPARATUSES FOR PROGRAMMING USER-  
DEFINED INFORMATION INTO ELECTRONIC DEVICES  
Examiner : Tran, Congvan  
Art Unit : 2617  
Conf. No. : 8931

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

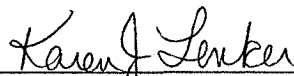
Dear Sir:

Please change the Correspondence Address for the above-identified patent application to the address associated with Customer Number: 20,995

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

Dated: May 11, 2011

  
\_\_\_\_\_  
Karen J. Lenker  
Registration No. 54,618  
Agent of Record  
Customer No. 20,995  
(949) 760-0404



**STATEMENT UNDER 37 CFR § 3.73(b)  
ESTABLISHMENT OF ASSIGNEE**

Applicant	:	Michael E. Shanahan
App. No.	:	10/915,866
Filed	:	August 11, 2004
For	:	METHODS AND APPARATUSES FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES
Examiner	:	Tran, Congvan
Group Art Unit	:	2617
Conf. No.	:	8931

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This document is being filed with a copy of a Power of Attorney signed by the Assignee. This Statement sets forth the chain of title of the above-identified application.

Premorphic Mobile LP, a Corporation, is the Assignee of the entire right, title, and interest of the above-referenced application by virtue of:

A chain of title, in reverse order, from the inventor(s) to the current Assignee as shown by the following recorded assignments:

1. Assignment from Premorphic Research, Inc. to Premorphic Mobile LP recorded in the United States Patent and Trademark Office on March 25, 2011, at Reel 026022, and Frame 0633.
2. Assignment from Twenty Year Innovations, Inc. to Premorphic Research, Inc. recorded in the United States Patent and Trademark Office on March 18, 2011, at Reel 025982, and Frame 0819.
3. Assignment from Michael E. Shanahan to Twenty Year Innovations, Inc. recorded in the United States Patent and Trademark Office on August 11, 2004, at Reel 015682, and Frame 0785.

The undersigned is an agent of Customer Number 20,995 and is authorized to act on behalf of the Assignee. Please recognize or change the correspondence address for the above-identified application to **Customer No. 20,995**.

Appl. No. : 10/915,866  
Filed : August 11, 2004

Docket No. PREMM.001A1C3  
Customer No. 20,995

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 11, 2011

By: Karen J. Lenker  
Karen J. Lenker  
Registration No. 54,618  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

11220437

051111

**REVOCATION & GENERAL POWER OF ATTORNEY  
and  
CHANGE IN CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is an empowered representative of the Assignee and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, **Customer No. 20,995**, as attorneys and agents to represent the Assignee before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned to the Assignee according to the USPTO assignment records or assignment documents supplied with an accompanying Statement Under 37 CFR § 3.73(b). This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 CFR § 3.71.

Submission of this paper in connection with any matter of the below named assignee, together with a statement under 37 CFR 3.73(b), shall serve to revoke any previous powers of attorney in that matter.

**Attached is a Statement Under 37 CFR § 3.73(b)**, signed by a registrant of Knobbe, Martens, Olson & Bear, LLP, setting forth a full chain of title for the subject application owned by the Assignee named below.

Please recognize or change the correspondence address for the application identified in the attached Statement to **Customer No. 20,995**.

By:  Date: 5/11/11  
Name: Marcus S. Muller Title: CEO

Assignee Premorphic Mobile LP

Address: 4828 South Broadway Street  
Suite 360  
Tyler, Texas 75703

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	10071551
<b>Application Number:</b>	10915866
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8931
<b>Title of Invention:</b>	METHODS AND APPARATUS FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES
<b>First Named Inventor/Applicant Name:</b>	Michael E. Shanahan
<b>Customer Number:</b>	39550
<b>Filer:</b>	Karen J. Lenker/Sabrina Jacob
<b>Filer Authorized By:</b>	Karen J. Lenker
<b>Attorney Docket Number:</b>	MES/007
<b>Receipt Date:</b>	11-MAY-2011
<b>Filing Date:</b>	11-AUG-2004
<b>Time Stamp:</b>	18:45:22
<b>Application Type:</b>	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	Change of Address	PREMM_001A1C3- ChangeofAddress.pdf	29145 <small>70470322be5e353764f6bca0002465b0728cd070</small>	no	1

### Warnings:

### Information:

2	Assignee showing of ownership per 37 CFR 3.73(b).	PREMM_001A1C3-373.pdf	52309 ee4b2dc2261806ff8a047aa00bdb07bcad76ef9a	no	2
<b>Warnings:</b>					
<b>Information:</b>					
3	Power of Attorney	PREMM_000GEN-POA.PDF	350231 a4f66357a4195eda92dc67164d9ffd7bdcff2e56	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			431685		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/915,866	7319866	2617	9200



**Correspondence Address/Fee Address Change**

The following fields have been set to Customer Number 39550 on 08/12/2009

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 39550 is:

**39550  
KALIKO & ASSOCIATES, L.L.C.  
500 NORTH FRANKLIN TURNPIKE  
RAMSEY, NJ 07446**



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/915,866	7319866	2617	9200



**Correspondence Address/Fee Address Change**

The following fields have been set to Customer Number 39950 on 08/04/2009

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 39950 is:

39950  
JUAN CARLOS MONESTIER  
JOSE ELLAURI 1086 AP 402  
MONTEVIDEO, 11300  
URUGUAY



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APPLICATION NUMBER	PATENT NUMBER	GROUP ART UNIT	FILE WRAPPER LOCATION
10/915,866	7319866	2617	9200



**Correspondence Address/Fee Address Change**

The following fields have been set to Customer Number 27614 on 08/28/2008

- Correspondence Address
- Maintenance Fee Address
- Power of Attorney Address

The address of record for Customer Number 27614 is:

27614  
MCCARTER & ENGLISH, LLP  
FOUR GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK, NJ 07102





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United States Patent and Trademark Office  
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/915,866	01/15/2008	7319866	MES/007	8931

39550 7590 12/26/2007  
KALIKO & YEAGER, L.L.C.  
500 NORTH FRANKLIN TURNPIKE  
RAMSEY, NJ 07446

**ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.


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

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

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

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

Michael E. Shanahan, Nyack, NY;

<b>Application Number</b> 	<b>Application/Control No.</b> 10/915,866	<b>Applicant(s)/Patent under Reexamination</b> SHANAHAN, MICHAEL E.
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : August 30, 2007	<b>This patent is subject to a Terminal Disclaimer</b>	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson

U.S. Patent and Trademark Office

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:  APPL. S. N:   
 To Examiner:  Art Unit   
 From:  Return This Memo To: Case   
 PARALEGAL SPCECIALIST Drop-Off Location

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

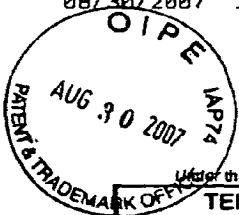
please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
  - The person who signed the T.D.:
    - is not an attorney "of record" (see 14.29 and 14.29.01).
    - has failed to state his/her capacity to sign for the business entity (see 14.28).
    - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - The T.D. is not signed (see 14.26 & 14.26.03).
  - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - Other:
  - Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date:



PTO/SB/26 (04-07) Approved for use through 08/30/2007. OMB 0551-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional) MES/007

In re Application of: Michael E. Shanahan
Application No.: 10/016,866
Filed: August 11, 2004
For: Methods and Apparatuses for Programming User-Defined Information into Electronic Devices.

The owner, Twenty Year Innovations, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,257,395 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

- 1. [ ] For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 2. [x] The undersigned is an attorney or agent of record. Reg. No. 45,786

Signature: [Handwritten Signature] Date: 08/30/2007

Scott H. Kaliko, Esq. Typed or printed name

201-931-0575 Telephone Number

- [x] Terminal disclaimer fee under 37 CFR 1.20(d) included.

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.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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 1460, Alexandria, VA 22313-1460.

08/31/2007 HGBREH2 00000025 10915866

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

65.00 OP

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.

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

39550 7590 07/23/2007
KALIKO & YEAGER, L.L.C.
500 NORTH FRANKLIN TURNPIKE
RAMSEY, NJ 07446



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.

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.

Mandy C. Ellis (Depositor's name)
Mandy Ellis (Signature)
8/30/07 (Date)

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 10/915,866, 08/11/2004, Michael B. Shanahan, MBS/007, 8931

TITLE OF INVENTION: METHODS AND APPARATUS FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE
Values: nonprovisional, YES, \$700, \$300, \$0, \$1000, 10/23/2007

Table with 3 columns: EXAMINER, ART UNIT, CLASS-SUBCLASS
Values: TRAN, CONGVAN, 2617, 455-418000

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.
List: 1 Kaliko & Yeager, 2 Scott H. Kaliko

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

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 (enclose an extra copy of this form).

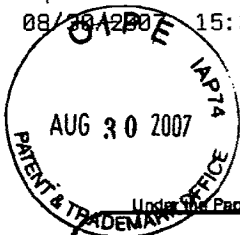
5. Change in Entity Status (from status indicated above)
a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will 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: Scott H. Kaliko
Date: 8/30/07
Registration No.: 45,786

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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/915,888
	Filing Date	August 11, 2004
	First Named Inventor	Michael E. Shanahan
	Art Unit	2817
	Examiner Name	Congvan Tran
	Attorney Docket Number	MES/007
Total Number of Pages in This Submission		7

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Part B- Fee(S) Transmittal Form for Issue/Publication Fees.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kaliko & Yeager, L.L.C.		
Signature			
Printed name	Scott H. Kaliko, Esq.		
Date	August 30, 2007	Reg. No.	45,786

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Typed or printed name	Scott H. Kaliko, Esq.
Date	August 30, 2007

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 (201) 831-0575 Main Tel  
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TO:	FROM:
Mail Stop Issue Fee Commissioner for Patents	Scott H. Kaliko, Esq. SENDER'S FAX NUMBER: 201-831-0519 SENDER'S TELEPHONE NUMBER: 201-831-0575
COMPANY:	DATE:
United States Patent & Trademark Office	AUGUST 30, 2007
RECIPIENT'S FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-2885	7
RECIPIENT'S TELEPHONE NUMBER:	CLIENT / MATTER:
RE:	YOUR REFERENCE NUMBER:
Application No. 10/915,866	MES/007

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

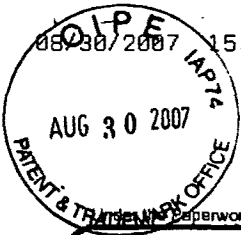
NOTES/COMMENTS:

Please confirm receipt of this fax and the below-identified attached parts.

1. Transmittal Form/Certificate of Transmission; and
2. Fee Transmittal (2 Copies); and
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Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<b>Complete if Known</b>		
		Application Number	10/915,866	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	August 11, 2004	
		First Named Inventor	Michael E. Shanahan	
		Examiner Name	Congvan Tran	
		Art Unit	2517	
TOTAL AMOUNT OF PAYMENT	(\$)	65.00	Attorney Docket No.	MES/007

**METHOD OF PAYMENT (check all that apply)**

Check  
  Credit Card  
  Money Order  
  None  
  Other (please identify): \_\_\_\_\_

Deposit Account  
 Deposit Account Number: \_\_\_\_\_  
 Deposit Account Name: \_\_\_\_\_

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  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissuc	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.  
**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), 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).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

Description	Fee (\$)	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	_____	_____
Other (e.g., late filing surcharge); 37 CFR 1.20(d) Terminal Disclaimer Fee	_____	\$65.00

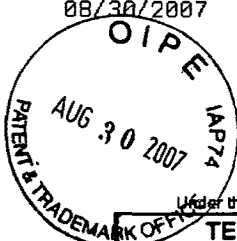
**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 45,788	Telephone 201-831-0575
Name (Print/Type) Scott H. Kaliko		Date August 30, 2007

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PTO/SB/26 (04-07)

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
MES/007

In re Application of: Michael E. Shanahan

Application No.: 10/915,866

Filed: August 11, 2004

For: Methods and Apparatuses for Programming User-Defined Information into Electronic Devices.

The owner, Twenty Year Innovations, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,257,395 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

- 1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 2.  The undersigned is an attorney or agent of record. Reg. No. 45,786

\_\_\_\_\_  
Signature 08/30/2007  
Date

\_\_\_\_\_  
Scott H. Kaliko, Esq.  
Typed or printed name

\_\_\_\_\_  
201-831-0575  
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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Application Number	10/915,866												
Filing Date	August 11, 2004												
First Named Inventor	Michael E. Shanahan												
Art Unit	2617												
Examiner Name	CongVan Tran												
Attorney Docket Number	MES/007												
Sheet <u>2</u> of <u>7</u>													

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/CT/		US- 5,486,686	01-23-1996	Zdybel, Jr. et al.	
		US- 5,487,671	01-30-1996	Shapiro, et al.	
		US- 5,490,210	02-06-1996	Sasso	
		US- 5,490,251	02-06-1996	Clark, et al.	
		US- 5,499,288	03-12-1996	Hunt, et al.	
		US- 5,508,733	04-16-1996	Kassafly	
		US- 5,510,777	04-23-1996	Pic, et al.	
		US- 5,513,272	04-30-1996	Bogosian, Jr.	
		US- 5,517,605	05-14-1996	Wolf	
		US- 5,524,141	06-04-1996	Braun, et al.	
		US- 5,528,281	06-18-1996	Grady, et al.	
		US- 5,526,620	06-18-1996	Hallsten	
		US- 5,530,852	06-25-1996	Meske, Jr. et al.	
		US- 5,541,917	06-30-1996	Farris	
		US- 5,533,115	07-02-1996	Hollenbach, et al.	
		US- 5,534,855	07-09-1996	Shockley, et al.	
		US- 5,537,586	07-16-1996	Amram, et al.	
		US- 5,542,046	07-30-1996	Carlson, et al.	
/CT/		US- 5,544,255	08-06-1996	Smithies, et al.	

8-29-07

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	†
		Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>4</sup> (if known)				
/CT/		CA Office Action	04-21-2004			
		CA Office Action	12-19-2004			
		CA Office Action	03-31-2005			
		CA Office Action	09-28-2005			
		CA Office Action	09-19-2006			
/CT/		Related Cases Cited in IDS	VARIOUS			

Examiner Signature: <u>CongVan Tran</u>	Date Considered: <u>06/14/2007</u>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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Application Number	10/915,866												
Filing Date	August 11, 2004												
First Named Inventor	Michael E. Shanahan												
Art Unit	2617												
Examiner Name	CongVan Tran												
Attorney Docket Number	MES/007												
Sheet <u>3</u> of <u>7</u>													

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U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
ICT/		US- 5,544,322	08-06-1996	Cheng, et al.	
		US- 5,548,726	08-20-1996	Pettus	
		US- 5,550,357 571	08-27-1996	Verbiest, et al.	
		US- 5,550,578	08-27-1996	Hoarty, et al.	
		US- 5,550,863	08-27-1996	Yurt, et al.	
		US- 5,550,976	08-27-1996	Henderson, et al.	
		US- 5,551,021	08-27-1996	Harada, et al.	
		US- 5,553,311	09-03-1996	McLaughlin, et al.	
		US- 5,557,675	09-17-1996	Schupak	
		US- 5,561,688	10-01-1996	Jones, Jr.	
		US- 5,563,649	10-08-1996	Gould, et al.	
		US- 5,566,353	10-15-1996	Cho, et al.	
		US- 5,568,181	10-22-1996	Greenwood, et al.	
		US- 5,570,126	10-29-1996	Blahut, et al.	
		US- 5,572,571	11-06-1996	Shirai	
		US- 5,598,461	01-28-1997	Greenberg	
		US- 5,600,712	02-04-1997	Hanson, et al.	
		US- 5,606,597	02-25-1997	Newland	
ICT/		US- 5,608,786	03-04-1997	Gordon	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>4</sup> (if known)			

Examiner Signature	CongVan Tran <small>Digitally signed by CongVan Tran                  DN: cn=CongVan Tran, ou=US, o=centstar, ou=2017,                  email=CongVan.Tran@uspto.gov,                  Date: 2007.08.14 13:18:52 -0400</small>	Date Considered	06/14/2007
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\*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	10/915,866
		Filing Date	August 11, 2004
		First Named inventor	Michael E. Shanahan
		Art Unit	2617
		Examiner Name	CongVan Tran
Attorney Docket Number	MES/007		
Sheet 1	of 7		

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/CT/		US- 4,866,766	09-12-1989	Mitzlaff	
		US- 4,868,561	09-19-1989	Davis	
		US- 5,220,420	06-15-1993	Hoarty, et al.	
		US- 5,247,347	09-21-1993	Litter, et al.	
		US- 5,253,275	10-12-1993	Yurt, et al.	
		US- 5,262,275 <i>875</i>	11-16-1993	Mincer, et al.	
		US- 5,341,474	08-23-1994	Gelman, et al.	
		US- 5,414,444	05-09-1995	Britz	
		US- 5,414,751	05-09-1995	Yamada	
		US- 5,428,606	06-27-1995	Moskowitz	
		US- 5,440,336	08-08-1995	Buhro, et al.	
		US- 5,442,749	08-15-1995	Northcutt, et al.	
		US- 5,452,354	09-19-1995	Kyronlahti, et al.	
		US- 5,461,666	10-24-1995	McMahan, et al.	
		US- 5,479,510	12-26-1995	Olsen, et al.	
		US- 5,481,599	01-02-1996	MacAllister, et al.	
		US- 5,483,580	01-09-1996	Brandman, et al.	
		US- 5,483,581	01-09-1996	Hird, et al.	
/CT/		US- 5,485,370	01-16-1996	Moss, et al.	

*BN 8-28-07*

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
/CT/		JP 09205471	08-05-1997	Hideo	
		WO 9928897	12-04-1997	Divon, et al.	
		EP 0 851 649 A2	12-16-1997	Armanto, et al.	
		WO 9943136	02-18-1998	Rydbeck, et al.	
		WO 0038340	12-22-1998	Kim	
/CT/		WO 0036857	06-22-2000	Oy Radiolinja Ab	

Examiner Signature	CongVan Tran	Date Considered	06/14/2007
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO  <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;"><i>(Use as many sheets as necessary)</i></p>	<b>Complete if Known</b>												
Sheet <b>6</b> of <b>7</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td>10/915,866</td> </tr> <tr> <td>Filing Date</td> <td>August 11, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Michael E. Shanahan</td> </tr> <tr> <td>Art Unit</td> <td>2617</td> </tr> <tr> <td>Examiner Name</td> <td>CongVan Tran</td> </tr> <tr> <td>Attorney Docket Number</td> <td>MES/007</td> </tr> </table>	Application Number	10/915,866	Filing Date	August 11, 2004	First Named Inventor	Michael E. Shanahan	Art Unit	2617	Examiner Name	CongVan Tran	Attorney Docket Number	MES/007
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/CT/		US- 5,987,323	11-16-1999	Huotari	
		US- 5,999,094	12-07-1999	Nilssen	
		US- 5,999,599	12-07-1999	Schaffer, et al.	
		US- 6,002,720	12-14-1999	Yurt, et al.	
		US- 6,002,761	12-14-1999	Sremac	
		US- 6,018,654	01-25-2000	Valentine, et al.	
		US- 6,018,656	01-25-2000	Shirai	
		US- 6,035,018	03-07-2000	Kaufman	
		US- 6,035,189	03-07-2000	Ali-Vehmas, et al.	
		US- 6,058,161	05-02-2000	Anderson, et al.	
		US- 6,073,003	06-06-2000	Nilssen	
		US- 6,075,998	06-13-2000	Morishima	
		US- 6,088,730	07-11-2000	Kato, et al.	
		US- 6,094,587	07-25-2000	Armanto, et al.	
		US- 6,122,526	09-19-2000	Parluski, et al.	
		US- 6,308,086	10-23-2000	Yoshino	
		US- 6,137,525	10-24-2000	Lee, et al.	
	US- 6,138,006	10-24-2000	Foll		
/CT/		US- 6,140,568	10-31-2000	Kohler	

AW  
8-28-07

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		Country Code <sup>2</sup> * Number <sup>3</sup> * Kind Code <sup>3</sup> (if known)				

Examiner Signature	CongVan Tran	Digitally signed by CongVan Tran DN: cn=CongVan Tran, ou=US, o=USPTO, email=CongVan.Tran@uspto.gov	Date Considered	06/14/2007
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NOTICE OF ALLOWANCE AND FEE(S) DUE

39550 7590 07/23/2007

KALIKO & YEAGER, L.L.C.
500 NORTH FRANKLIN TURNPIKE
RAMSEY, NJ 07446

EXAMINER
TRAN, CONGVAN
ART UNIT
PAPER NUMBER

2617
DATE MAILED: 07/23/2007

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

10/915,866 08/11/2004 Michael E. Shanahan MES/007 8931

TITLE OF INVENTION: METHODS AND APPARATUS FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

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 \$700 \$300 \$0 \$1000 10/23/2007

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** **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)

39550                      7590                      07/23/2007

**KALIKO & YEAGER, L.L.C.**  
**500 NORTH FRANKLIN TURNPIKE**  
**RAMSEY, NJ 07446**

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.
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10/915,866                      08/11/2004                      Michael E. Shanahan                      MES/007                      8931

TITLE OF INVENTION: METHODS AND APPARATUS FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional                      YES                      \$700                      \$300                      \$0                      \$1000                      10/23/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
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TRAN, CONGVAN                      2617                      455-418000

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

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, \_\_\_\_\_ 1
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. \_\_\_\_\_ 2
- \_\_\_\_\_ 3

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

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

(A) NAME OF ASSIGNEE: \_\_\_\_\_ (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

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 \_\_\_\_\_ (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 \_\_\_\_\_

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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39550 7590 07/23/2007

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500 NORTH FRANKLIN TURNPIKE
RAMSEY, NJ 07446

EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/23/2007

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

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

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

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



**Notice of Allowability**

Application No.	Applicant(s)	
10/915,866	SHANAHAN, MICHAEL E.	
Examiner	Art Unit	
CongVan Tran	2617	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1.  This communication is responsive to 5/4/07.
- 2.  The allowed claim(s) is/are 1-10.
- 3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All   b)  Some\*   c)  None   of the:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5.  Notice of Informal Patent Application
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_

CongVan Tran  
Primary Examiner  
Art Unit 2617

Art Unit: 2617

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Scott Kaliko on Jun. 28, 2007.

Mr Kaliko applicant's representative agrees to file terminal disclaimer for this case, and **Examiner** is aware of **IDS** have been filed with respect to parent case 10/223,200.

The application has been amended as follows:


Claims 11-40 (Canceled).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

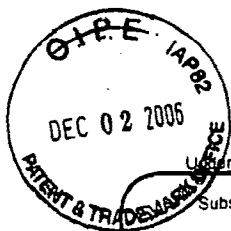
Art Unit: 2617

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2617

Jun 29, 2007.



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.

Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

## Complete if Known

Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Art Unit	2617
Examiner Name	CongVan Tran
Attorney Docket Number	MES/007

Sheet 1 of 7

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		US- 4,868,561	09-19-1989	Davis	
		US- 5,220,420	06-15-1993	Hoarty, et al.	
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		US- 5,481,599	01-02-1996	MacAllister, et al.	
		US- 5,483,580	01-09-1996	Brandman, et al.	
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/CT/		US- 5,485,370	01-16-1996	Moss, et al.	

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/CT/		JP 09205471	08-05-1997	Hideo		
		WO 9928897	12-04-1997	Divon, et al.		
		EP 0 851 649 A2	12-16-1997	Armanto, et al.		
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		WO 0038340	12-22-1998	Kim		
/CT/		WO 0036857	06-22-2000	Oy Radiolinja Ab		

Examiner Signature: CongVan Tran Date Considered: 06/14/2007

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Sheet 2

of 7

**Complete if Known**

Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Art Unit	2617
Examiner Name	CongVan Tran
Attorney Docket Number	MES/007

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/CT/		US- 5,486,686	01-23-1996	Zdybel, Jr. et al.	
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		US- 5,542,046	07-30-1996	Carlson, et al.	
/CT/		US- 5,544,255	08-06-1996	Smithies, et al.	

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		CA Office Action	09-28-2005			
		CA Office Action	09-19-2006			
/CT/		Related Cases Cited in IDS	VARIOUS			

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Date: 2007.06.14 13:19:37 -0400Date  
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Sheet <b>3</b> of <b>7</b>													

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	/CT/		US- 5,608,786	03-04-1997	Gordon

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner Signature 	Digitally signed by CongVan Tran DN: cn=CongVan Tran, ou=US, o=USPTO, ou=2617, email=CongVan.Tran@uspto.gov Date: 2007.06.14 13:19:52 -0400	Date Considered 06/14/2007
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Sheet 4

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First Named Inventor	Michael E. Shanahan
Art Unit	2617
Examiner Name	CongVan Tran
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		US- 5,796,728	08-18-1998	Rondeau, et al.	
		US- 5,828,956	10-27-1998	Shirai	
		US- 5,842,124	11-24-1998	Kenagy, et al.	
		US- 5,870,683	02-09-1999	Wells, et al.	
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		US- 5,915,001	06-22-1999	Uppaluru	
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		US- 5,940,775	08-17-1999	Kim	
		US- 5,943,046	08-24-1999	Cave, et al.	
		US- 5,953,408	09-14-1999	Blanvillain, et al.	
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		US- 5,983,069	11-09-1999	Cho, et al.	
	ICTI		US- 5,986,690	11-16-1999	Hendricks

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		US- 6,035,189	03-07-2000	Ali-Vehmas, et al.		
		US- 6,058,161	05-02-2000	Anderson, et al.		
		US- 6,073,003	06-06-2000	Nilssen		
		US- 6,075,998	06-13-2000	Morishima		
		US- 6,088,730	07-11-2000	Kato, et al.		
		US- 6,094,587	07-25-2000	Armanto, et al.		
		US- 6,122,526	09-19-2000	Parluski, et al.		
		US- 6,308,086	10-23-2000	Yoshino		
		US- 6,137,525	10-24-2000	Lee, et al.		
		US- 6,138,006	10-24-2000	Foti		
		/CT/	US- 6,140,568	10-31-2000	Kohler	

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

Examiner Signature 	Digitally signed by CongVan Tran <small>DN: cn=CongVan Tran, o=US, ou=Cellular, ou=2617, email=CongVan.Tran@uspto.gov, date=2007.06.14 15:00:33 -0400</small>	Date Considered 06/14/2007
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Substitute for form 1449/PTO  <h2 style="text-align: center; margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; font-size: small;">(Use as many sheets as necessary)</p>	<h3 style="text-align: center; margin: 0;">Complete if Known</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/915,866</td> </tr> <tr> <td>Filing Date</td> <td>August 11, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Michael E. Shanahan</td> </tr> <tr> <td>Art Unit</td> <td>2617</td> </tr> <tr> <td>Examiner Name</td> <td>CongVan Tran</td> </tr> <tr> <td>Attorney Docket Number</td> <td>MES/007</td> </tr> </table>	Application Number	10/915,866	Filing Date	August 11, 2004	First Named Inventor	Michael E. Shanahan	Art Unit	2617	Examiner Name	CongVan Tran	Attorney Docket Number	MES/007
Application Number	10/915,866												
Filing Date	August 11, 2004												
First Named Inventor	Michael E. Shanahan												
Art Unit	2617												
Examiner Name	CongVan Tran												
Attorney Docket Number	MES/007												
Sheet <u>7</u> of <u>7</u>													

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/CT/		US- 6,144,722	11-07-2000	Anderson, et al.	
		US- 6,151,491	11-21-2000	Farris, et al.	
		US- 6,163,711	12-19-2000	Juntunen, et al.	
		US- 6,167,130	12-26-2000	Rosen	
		US- 6,167,278	12-26-2000	Nilssen	
		US- 6,179,682	01-30-2001	Plain, et al.	
		US- 6,256,378	07-30-2001	Iggulden, et al.	
		US- 6,366,791	04-02-2002	Lin, et al.	
		US- 6,389,124	05-14-2002	Schnarel, et al.	
		US- 6,483,531	11-19-2002	Ryu	
		US- 7,088,990	08-08-2006	Isomursu, et al.	
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	† <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner Signature	CongVan Tran <small style="display: none;">Digitally signed by CongVan Tran                  DN: cn=CongVan Tran, o=USPTO, ou=PTO, email=CongVan.Tran@uspto.gov, c=US, serial=2617, date=2007.06.14 12:20:44 -0400</small>	Date Considered	06/14/2007
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Bib Data Sheet

CONFIRMATION NO. 8931

<b>SERIAL NUMBER</b> 10/915,866	<b>FILING OR 371(c) DATE</b> 08/11/2004 <b>RULE</b>	<b>CLASS</b> 455	<b>GROUP ART UNIT</b> 2617	<b>ATTORNEY DOCKET NO.</b> MES/007
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**APPLICANTS**  
 Michael E. Shanahan, Nyack, NY;

**\*\* CONTINUING DATA \*\*** *Yes*  
 This application is a CON of 10/223,200 08/16/2002 which is a CON of 09/518,712 03/03/2000 PAT 6,496,692 which claims benefit of 60/169,158 12/06/1999

**\*\* FOREIGN APPLICATIONS \*\*** *None*


**IF REQUIRED, FOREIGN FILING LICENSE GRANTED \*\*** 10/07/2004      **\*\* SMALL ENTITY \*\***

Foreign Priority claimed 35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance	<b>STATE OR COUNTRY</b> NY	<b>SHEETS DRAWING</b> 13	<b>TOTAL CLAIMS</b> 10/10	<b>INDEPENDENT CLAIMS</b> 6
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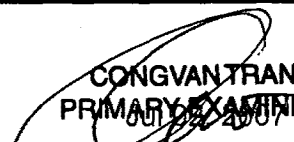
**ADDRESS**  
39550

**TITLE**  
Methods and apparatus for programming user-defined information into electronic devices

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		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

<b>Issue Classification</b> 	<b>Application/Control No.</b> 10/915,866	<b>Applicant(s)/Patent under Reexamination</b> SHANAHAN, MICHAEL E.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2617	

ISSUE CLASSIFICATION										
ORIGINAL					CROSS REFERENCE(S)					
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
455		419			455	567	414.1	426.1		
INTERNATIONAL CLASSIFICATION					709	200				
H	0	4	N	7/10						
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(Assistant Examiner) (Date)	 <b>CONGVAN TRAN</b> <b>PRIMARY EXAMINER</b> (Primary Examiner) (Date)	<b>Total Claims Allowed: 10</b>  O.G. Print Claim(s): 1 O.G. Print Fig.: 8-9
(Legal Instruments Examiner) (Date)		

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original
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2	32	62	92	122	152	182	
3	33	63	93	123	153	183	
4	34	64	94	124	154	184	
5	35	65	95	125	155	185	
6	36	66	96	126	156	186	
7	37	67	97	127	157	187	
8	38	68	98	128	158	188	
9	39	69	99	129	159	189	
10	40	70	100	130	160	190	
11	41	71	101	131	161	191	
12	42	72	102	132	162	192	
13	43	73	103	133	163	193	
14	44	74	104	134	164	194	
15	45	75	105	135	165	195	
16	46	76	106	136	166	196	
17	47	77	107	137	167	197	
18	48	78	108	138	168	198	
19	49	79	109	139	169	199	
20	50	80	110	140	170	200	
21	51	81	111	141	171	201	
22	52	82	112	142	172	202	
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24	54	84	114	144	174	204	
25	55	85	115	145	175	205	
26	56	86	116	146	176	206	
27	57	87	117	147	177	207	
28	58	88	118	148	178	208	
29	59	89	119	149	179	209	
30	60	90	120	150	180	210	

**Index of Claims**



Application/Control No.

10/915,866

Examiner

CongVan Tran

Applicant(s)/Patent under Reexamination

SHANAHAN, MICHAEL E.

Art Unit

2617

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date
Final	Original	7/2/07
1	=	
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**Search Notes**



Application/Control No.		Applicant(s)/Patent under Reexamination	
10/915,866		SHANAHAN, MICHAEL E.	
Examiner		Art Unit	
CongVan Tran		2617	

**SEARCHED**

Class	Subclass	Date	Examiner
455	412.1	7/2/2007	CT
	418		
	414.1		
	419		
	420		
	424		
	426.1		
	567		
709	200	7/2/2007	CT
379	67.1	7/2/2007	CT
	68		

**SEARCH NOTES (INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Search Updated	7/2/2007	CT

**INTERFERENCE SEARCHED**

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	426.1		
709	200	7/2/2007	CT



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	Filing Date	AUGUST 11, 2004	
	First Named Inventor	MICHAEL E. SHANAHAN	
	Art Unit	2817	
	Examiner Name	CONGVAN TRAN	
Total Number of Pages in This Submission	28	Attorney Docket Number	MES/007

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<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" 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
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<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 type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="text" value="Remarks"/>	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	KALIKO & YEAGER		
Signature			
Printed name	SCOTT H. KALIKO, ESQ.		
Date	MAY 4, 2007	Reg. No.	45.786

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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/915,866
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	AUGUST 11, 2004
510.00		First Named Inventor	MICHAEL E. SHANAHAN
		Examiner Name	CONGVAN TRAN
		Art Unit	2617
		Attorney Docket No.	MES/007

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	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

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Other (e.g., late filing surcharge): (Third) Month Extension of Time Fee 37 CFR 1.17(a)(3) \_\_\_\_\_ \$10.00

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 45,786	Telephone 201-831-0575
Name (Print/Type) Scott H. Kaliko, Esq.		Date May 4, 2007

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Effective on 12/08/2004, Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2006</h3>		<b>Complete if Known</b>		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/915,866	
		Filing Date	AUGUST 11, 2004	
		First Named Inventor	MICHAEL E. SHANAHAN	
		Examiner Name	CONGVAN TRAN	
		Art Unit	2617	
TOTAL AMOUNT OF PAYMENT	(\$)	510.00	Attorney Docket No.	MES/007

**METHOD OF PAYMENT** (check all that apply)

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.  
 Indep. Claims - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), 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).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)

Other (e.g., late filing surcharge): (Third) Month Extension of Time Fee 37 CFR 1.17(a)(3) 510.00

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 45,786	Telephone 201-831-0575
Name (Print/Type) Scott H. Kaliko, Esq.		Date May 4, 2007

This collection of information is required by 37 CFR 1.136. 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 30 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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MES/007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael E. Shanahan  
 Application No. : 10/915,866 Confirmation No.: 8931  
 Filed : August 11, 2004  
 Title : METHODS AND APPARATUSES FOR PROGRAMMING  
 USER-DEFINED INFORMATION INTO  
 ELECTRONIC DEVICES  
 Examiner : CongVan Tran  
 Group Art Unit : 2617

May 4, 2007

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

REPLY TO OFFICE ACTION

Sir:

In response to the Office Action dated November 9, 2006:

A listing of claims including amendments begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

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Listing of Claims

1. (Currently Amended) A wireless telephone that may be customized by programming an audio file into the wireless telephone for use as an indicia of an incoming communication ~~at a time specified by a user of the wireless telephone~~, the telephone comprising:

means for connecting to a remote database that includes a plurality of lists of polyphonic audio files;

means for browsing at least one of the lists of polyphonic audio files; means for selecting at least one of the polyphonic audio files from the browsed list;

means for optionally reviewing the selected polyphonic audio file before downloading the selected polyphonic audio into a memory circuit in the wireless telephone; and

means for downloading the selected polyphonic audio file for use as an indicia of an incoming communication ~~at the time specified by the user of the wireless telephone~~.

2. (Previously presented) The wireless telephone of claim 1, further comprising means for searching the remote database for a certain desired polyphonic audio file using title or description information to aid in locating the desired polyphonic audio file.

3. (Previously presented) The wireless telephone of claim 2, wherein the searching further comprises means for searching the Internet or other remote databases for the desired polyphonic audio file.

4. (Previously presented) The wireless telephone of claim 1, further comprising means for providing a visual indication on a display screen of the wireless telephone to confirm the selected polyphonic audio file has been successfully downloaded.

5. (Previously presented) The wireless telephone of claim 1, wherein the browsing of polyphonic audio files is accomplished at least in part using a Wireless Application Protocol (WAP) compliant system.

6. (Previously presented) The wireless telephone of claim 1, further comprising means for preventing unauthorized distribution of the selected polyphonic audio file stored in the programmable memory circuit.

7. (Previously presented) A wireless telephone that may be customized by programming an audio file into the wireless telephone for use as an indicia of an incoming communication, the telephone comprising:

means for connecting to a remote database that includes a plurality of audio files; means for selecting at least one of the audio files from the database;

means for downloading and storing the selected audio file for use as an indicia of an incoming communication; and

means for preventing the unauthorized distribution of a selected audio file stored in the wireless telephone.

8. (Previously presented) The wireless telephone of claim 7, further comprising means for indicating that a memory capacity of the wireless telephone has been exceeded if the size of the audio file to be downloaded is larger than available memory space in the wireless telephone.

9. (Previously presented) The wireless telephone of claim 7, wherein the selected audio file is a polyphonic audio file.

10. (Currently Amended) A telephone that may be customized by searching for and selecting an audio file from a remote computer and programming the selected audio file into the telephone for use as an indicia of an incoming communication at a time specified by the user, the telephone comprising:

a communications link capable of connecting to a database in the remote computer that includes a plurality of polyphonic audio files;

a display screen and a browsing application program that allows a user of the telephone to browse the polyphonic audio files and select at least one polyphonic audio file therefrom;

processing circuitry configured to supervise receipt of a selected polyphonic audio file from the communications link;

a programmable memory circuit for allowing the user to optionally store the selected polyphonic audio file for use as an indicia of an incoming communication at a time the specified by the user; and

an enhanced performance speaker capable of providing a substantially full range of audio sounds from the selected polyphonic audio file when the selected polyphonic audio file is played.

11. (Previously presented) A system for providing a polyphonic audio file to a wireless telephone for use as an indicia of an incoming communication, the system comprising:

a remote computer with access to a database of polyphonic audio files suitable for downloading to the wireless telephone wherein the remote computer is configured to:

provide a list of polyphonic audio files in the database to a user of the wireless telephone when the user requests the list of polyphonic audio files;

allow the user of the wireless telephone to browse the list of polyphonic audio files;

allow the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files; and

allow the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication; wherein the system is configured to confirm the selected polyphonic audio file has been properly received by the wireless telephone.

12. (Previously presented) The system of claim 11, wherein the remote computer is further configured to allow the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

13. (Previously presented) The system of claim 11, further configured to allow the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

14. (Previously presented) The system of claim 13, further configured to provide the user of the wireless telephone with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

15. (Previously presented) The system of claim 15, further configured to provide the user of the wireless telephone with the option of editing the selected polyphonic audio file before programming the selected polyphonic audio file into the programmable memory in the wireless telephone.

16. (Previously presented) The system of claim 11, wherein the remote computer is further configured to provide a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.



17. (Previously presented) The system of claim 11, wherein the database is configured to include polyphonic audio files selected from the group comprising MP3, MPEG, or WAV files.

18. (Previously presented) The system of claim 11, wherein the database is configured to include polyphonic MIDI audio files.

19. (Previously presented) The system of claim 11, configured to provide copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

20. (Previously presented) The system of claim 11, further configured to coordinate downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

21. (Previously presented) A method for providing a polyphonic audio file to a wireless telephone for use as an indicia of an incoming communication, the method comprising:

providing a database of polyphonic audio files suitable for downloading to the wireless telephone;

providing a list of polyphonic audio files in the database to a user of the wireless telephone when the user requests the list of polyphonic audio files;

allowing the user of the wireless telephone to browse the list of polyphonic audio files;

allowing the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files;

allowing the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication; and

confirming the selected polyphonic audio file has been properly received.

22. (Previously presented) The method of claim 21, further comprising allowing the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

23. (Previously presented) The method of claim 21, further comprising allowing the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

24. (Previously presented) The method of claim 23, further comprising providing the user of the wireless telephone to with the option of downloading the selected polyphonic audio

file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

25. (Previously presented) The method of claim 24, further comprising providing the user of the wireless telephone with the option of editing the selected polyphonic audio file before programming the selected polyphonic audio file into the programmable memory in the wireless telephone.

26. (Previously presented) The method of claim 21, further comprising providing a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

27. (Previously presented) The method of claim 21, further comprising storing polyphonic audio files in the database including those selected from the group comprising MP3, MPEG, or WAV files.

28. (Previously presented) The method of claim 21, further comprising storing polyphonic audio files in the database including polyphonic MIDI audio files.

29. (Previously presented) The method of claim 21, further comprising providing copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

30. (Previously presented) The method of claim 21, further comprising coordinating downloading of the selected polyphonic audio file such that the user of the wireless

telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

31. (Previously presented) An Internet site that allows a user of a wireless telephone to browse and select a polyphonic audio file that may be downloaded into a wireless telephone for use as an indicia of an incoming communication, the Internet site comprising:

a database of polyphonic audio files suitable for downloading to the wireless telephone wherein the Internet site is configured to:

provide a list of polyphonic audio files in the database to the user of the wireless telephone when the user of the wireless telephone requests the list of polyphonic audio files;

allow the user of the wireless telephone to browse the list of polyphonic audio files;

allow the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files; and

allow the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication.

32. (Previously presented) The Internet site of claim 31, configured to operate in conjunction with a distribution

computer to confirm the selected polyphonic audio file has been properly received by the wireless telephone.

33. (Previously presented) The Internet site of claim 31, further configured to allow the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

34. (Previously presented) The Internet site of claim 31, further configured to operate in conjunction with a distribution computer to allow the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

35. (Previously presented) The Internet site of claim 34, further configured to operate in conjunction with a distribution computer to provide the user of the wireless telephone with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

36. (Previously presented) The Internet site of claim 31, further configured to provide a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

37. (Previously presented) The Internet site of claim 31, wherein the database is configured to include polyphonic audio files selected from the group comprising MP3, MPEG, or WAV

files.

38. (Previously presented) The Internet site of claim 31, wherein the database is configured to include polyphonic MIDI audio files.

39. (Previously presented) The Internet site of claim 31, configured to operate in conjunction with a distribution computer to provide copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

40. (Previously presented) The Internet site of claim 31, configured to operate in conjunction with a distribution computer to coordinate downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

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REMARKS

I. Petition Under 37 C.F.R. § 1.136(a)

Pursuant to 37 C.F.R. § 1.136(a), applicant hereby petitions for a three-month extension of the shortened statutory period set for reply to the Office Action dated November 9, 2006. A credit card authorization form in the amount of \$510.00 in payment of the fee set forth in 37 C.F.R. § 1.17(a)(3) is transmitted herewith.

II. Introduction

Claims 1-40 are pending in the application.

Claims 1-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al., U.S. patent 6,366,791 (hereinafter "Lin") in view of Isomursu et al. U.S. Patent 7,088,990 (hereinafter "Isomursu").

Consideration and allowance of this application in light of the amendments above and the following remarks is respectfully requested.

III. Applicant's Reply to the Rejection Under 35 U.S.C. § 103(a)

Claims 1-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Isomursu. Applicant respectfully

traverses this rejection in view of the amendments above and the remarks below.

One aspect of applicant's claimed invention is concerned with a wireless telephone that may be customized by programming an audio file into the wireless telephone for use as an indicia of an incoming communication. This may be thought of as a wireless telephone that allows a user to customize the wireless telephone by selecting and programming a ringtone into the wireless telephone which plays when an incoming telephone call (or other communication) is received.

One benefit of such a wireless telephone is that it allows the user the freedom and flexibility to choose and/or change to a particular ringtone that is pleasing to the user rather than be constrained by a single ringtone or limited group of ringtones, which may have been, for example, preprogrammed by a manufacturer.

The claimed wireless telephone has the ability to connect to a remote database(s) of digital ringtones and allow the user to browse lists of ringtones in the remote database(s), select a particular ringtone and optionally review (e.g., listen to) the selected digital ringtone for subsequent potential downloading into a programmable memory in the wireless telephone for future use.



Furthermore, the claimed wireless telephone provides various other novel features as compared to conventional telephone systems. For example, the claimed telephone allows the user to download high quality or high fidelity ringtones such as polyphonic ringtones (sometimes referred to now as "real tones", "true tones", "master tones" etc.) that may be actual MP3 (or other high quality digital representations of) songs or other audio. The claimed enhanced performance speaker allows such high quality audio clips to accurately reproduce the high fidelity sound achievable with such clips, thus greatly improving the user's experience and satisfaction.

Moreover, aspects of the present invention allow the claimed wireless telephone to prevent unauthorized distribution of ringtones such as through copyright protection, which permits the use of high quality audio ringtones that may be the work of musical artists or others subject to such protection, further expanding the universe of audio files available to a consumer for use as a ringtone, thereby further improving the user's experience and satisfaction. Prior art systems, which did not have such options did not include (and did not need) such a features. In addition, embodiments of the present invention allow the wireless telephone to directly download digital audio data from a remote database without the use of slow or cumbersome messaging services.

Claims 1, 10 and 31

In contrast, Lin and Isomursu, either alone or in combination fail to show or suggest these features. For example, claim 1, specifies a wireless telephone with a preview feature that allows audio data for a ringtone to be reviewed prior to being accepted into the telephone. With applicant's claimed invention, audio previews may be provided to the user's telephone, allowing the user to efficiently evaluate the ringtone and make a selection without having to first affirmatively accept or reject an unheard selection.

Lin and Isomursu, on the other hand, fail to show or suggest this feature anywhere. Lin does not discuss this feature at all. The system of Isomursu requires that the ringtone first be received by the telephone. After the ringtone has been received, the user must either affirmatively accept (save) or reject (not save) the ringtone. If accepted, the ringtone is saved for further action by the user. If rejected, it is discarded (not saved). Assuming the user accepts (saves) the received ringtone, the user may move the saved ringtone to particular place in memory such options menu or other convenient directory. If, instead, the playback option is selected, the user may listen to the saved ringtone and decide whether to move it the ringtone options menu

or discard it. See Isomursu, column 14, line 58 to column 15, line 6. In either case, the system of Isomursu requires that the ringtone be saved prior to any subsequent action such as playback and thus does not allow the claimed preview feature, and thus teaches away from such a feature.

Applicant's claimed invention, however, does not require saving (accepting) a ringtone prior playback. Rather, it allows a user to listen to a selected ringtone prior to saving it. This is desirable for numerous reasons. For example, a user may not be able decide whether he or she wants to "accept" a ringtone (and be charged for it) prior to hearing it. Being able to hear the ringtone prior to accepting it improves the user experience by helping ensure the selected ringtone is the one desired. Moreover, the process of ringtone evaluation is streamlined by eliminating unnecessary steps such as acceptance. The ringtone need not be saved prior to playback, further facilitating the review and selection process, improving the user's experience.

Additional novel features of claims 1, 10 and 31 include the use of polyphonic audio files as ringtones. Both Isomursu and Lin fail disclose this feature at all. In fact, nowhere in either reference, or any reference of record, is the quality or fidelity of a ringtone mentioned or even recognized as a desirable or relevant feature. The use of high quality audio data such as

polyphonic audio files for ringtones is an important feature of certain aspects of applicant's claimed invention. For example, the use of high fidelity ringtones such as polyphonic ringtones (sometimes referred to now as "real tones", "true tones", "master tones" etc.) that may be actual MP3 (or other high quality digital representations of) songs or other audio greatly improves the user's experience by allowing the user to hear realistic recreations of selected audio. Nowhere in this feature shown or suggested in the prior art of record. And in fact, the prior art systems of record are incapable of playing such high quality audio because they lack the proper hardware (e.g., lack appropriate speakers (see applicant's claim 10), circuitry capable of playing high quality audio etc.) and software (e.g., drivers, playback software, etc.) and other necessary capabilities. Thus because, the prior art fails to show or suggest these features and are incapable playing or providing high quality audio anyway (and thus cannot browse, search or select such files), and does not suggest a preview feature, claims 1, 9, 10, 11, 13-14, 21, 23-24, 31 and 34-35 are allowable over Lin, Isomursu and the prior art of record. Claims 17-18, 27-28 and 37-38, which specify certain types of polyphonic audio files (MP3, WAV, MIDI etc.) are thus further allowable as patentable distinctions as well.

Claims 2, 12, 22 and 33 depend from allowable base claims and are therefore allowable for at least the same reasons as those claims. However, claims 2, 12, 22 and 33 further specify searching a remote database of polyphonic audio files using title or description information, which aids in the process of identifying and selecting a desired ringtone. This claimed feature is not found in Lin, Isomursu or the prior art of record, and the Examiner has provided no cite to the prior art indicating where this feature is purportedly found. Accordingly, applicant submits claims 2, 12, 22 and 33 are further allowable for this reason. Likewise, claim 3 is allowable as for at least the same reasons and is further allowable because no remote database search feature is described at all in Lin, even with respect to FIG. 2 and its associated description.

Claim 5 depends from claim 1 is therefore allowable for at least the same reason as claim 1. Claim 5 further specifies the use of a WAP of Wireless Application Protocol compliant system. Such a WAP system is useful for browsing on handheld devices such as a mobile telephone as specified in applicant's claims. It provides, among other things a lightweight browsing and data transmission application useful in handheld devices with limited bandwidth and other resources. Nowhere in the prior art is this mentioned because the cited prior art systems tend to rely on a

laptop or other computer for browsing (attached or a phone integrated into a laptop) or rely other "full feature" browsers. Thus, there is no need for a streamlined WAP system in the prior art as specified in applicant's claims. Accordingly, claim 5 is not obvious and therefore allowable.

Claims 6, 7, 19, 29 and 39 specify, among other things, means to prevent unauthorized distribution of ringtones. This feature permits the use of high quality audio ringtones having certain use restrictions. This may include, for example, the work of musical artists subject to copyright protection or other use restriction. One reason this feature is desirable is because it expands the universe of audio files available to a consumer for use as a ringtone, while protecting the rights of others in the audio content thereby improving both the telephone user's and content provider's experience and satisfaction and complies with the law (e.g., copyright laws). Prior art systems, which did not have such options did not include (and did not need) such a features. Lin and Isomursu are completely silent on this point and, in fact, Isomursu and Lin describe communicating basic ringtone data in SMS text messages that can easily be forwarded to others. Thus the prior art of record teaches away from the use restriction specified in applicant's claims. Thus, claims 6, 7, 19, 29 and 39 are further allowable over the prior art.

Accordingly, applicant respectfully submits that claims 1-40 are allowable over Lin and Isomursu. Based on the foregoing, applicant respectfully requests the rejection pursuant to 35 U.S.C. § 103(a) be withdrawn.

Claims 7-8, 21-26 and 29-30

Claims 7-8, 21-26 and 29-30 are rejected in view of Official Notice. Although these claims are all allowable based on the discussion above, as depending from an allowable base claim, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 165 USPQ 418, 420 (1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke the right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known in the claimed context. Only when an actual reference purportedly showing these features is provided, can applicant further respond to this contention. As an illustrative example, claim 25 (and claim 15) specifies the option of editing a ringtone. Nowhere is this feature shown or suggested on the prior art, let alone is it well known in the art.

Moreover, in addition to the above, applicant points out, that obviousness is not established merely because the Examiner cites to a similar feature as the one claimed in a similar or different context. Accordingly, applicant respectfully requests that this rejection be withdrawn.

Not Obvious to Combine

Further, applicant submits it is not obvious to combine the references as the Examiner proposes. The purpose of Isomursu is to provide a messaging platform for receiving electronic messages in various formats and for associating a message with a specific application, whereas the system of Lin merely employs standard short messaging services such as SMS and USSD. Attempting to combine the multiple format system of Isomursu in to the single format system of Lin would require substantial modification of each of the devices further discouraging the proposed combination. No teaching is provided in either reference describing how to accomplish such modifications and there is no suggestion or motivation provided within the references themselves that such a combination would be beneficial or even desirable. Thus, Isomursu and Lin teach away from one another, discouraging the combination proposed by the Examiner.



In addition, even if such a combination were made, it would still not produce applicant's claimed invention (i.e., the combination would merely produce a device suffering from all the shortcomings of Lin and Isomursu pointed out in section III above).


#### VI. Conclusion

For at least the above reasons, claims 1-40 are patentable over the references of record.

Accordingly, applicant respectfully requests that the Examiner withdraw the rejections and allow the pending claims. To expedite prosecution of this application to allowance, the examiner is invited to call the applicant's undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: 5/4/07



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Scott H. Kaliko  
Attorney for Applicant  
Registration No. 45,786  
KALIKO & YEAGER, L.L.C.  
500 North Franklin Turnpike  
Ramsey, NJ 07446  
Direct: 201-831-0575  
Fax: 201-831-0519

1, 2, 10, 11, 21, 31,

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective October 1, 2003

Application or Docket Number

10915860

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS	40	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	40 minus 20 =	20
INDEPENDENT CLAIMS	6 minus 3 =	3
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	OR	RATE	FEE
BASIC FEE	385.00	OR	BASIC FEE	770.00
XS 9=	170	OR	XS18=	
X43=	129	OR	X86=	
+145=		OR	+290=	
TOTAL	694	OR	TOTAL	

**CLAIMS AS AMENDED - PART II**

9/5/06

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	40	20	20
Independent	6	3	3
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
XS 9=	/	OR	XS18=	/
X43=	/	OR	X86=	/
+145=	/	OR	+290=	/
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	40	40	
Independent	6	6	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
XS 9=		OR	XS18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
XS 9=		OR	XS18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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12-04-06

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/915,866
	Filing Date	August 11, 2004
	First Named Inventor	Michael E. Shanahan
	Art Unit	2617
	Examiner Name	CongVan Tran
Total Number of Pages in This Submission	Attorney Docket Number	MES/007

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Credit Card Payment Form 2. PTO 1449 Form 3. Canadian Office Action 4. Foreign References		

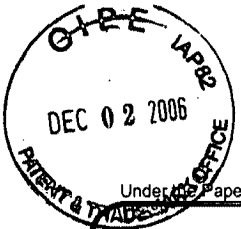
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kaliko & Yeager		
Signature			
Printed name	Scott H. Kaliko, Esq.		
Date	December 1, 2006	Reg. No.	45,786

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:			
Signature			
Typed or printed name	Scott H. Kaliko, Esq.	Date	December 2, 2006

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 1.11 and 1.14. This collection is estimated to 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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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

**Complete if Known**

Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Examiner Name	Congvan Tran
Art Unit	2617
Attorney Docket No.	MES/007

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, **except for the filing fee**

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____	_____	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), 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).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

Description	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge): IDS Fee Pursuant to 37 CFR § 1.17 (p) and §1.97 (c) (2).	\$180.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 45,786	Telephone 201-831-0575
Name (Print/Type)	Scott H. Kaliko		Date December 2, 2006

This collection of information is required by 37 CFR 1.136. 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 30 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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The PTO did not receive the following listed item(s) C. card.



PATENTS  
Attorney Docket No. MES/007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHAEL E. SHANAHAN  
Application No. : 10/915,866  
Title of Invention: METHODS AND APPARATUSES FOR PROGRAMMING USER-  
DEFINED INFORMATION INTO ELECTRONIC DEVICES.  
Filed: AUGUST 11, 2004  
Examiner: CONGVAN TRAN

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

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Date of Deposit: December 2, 2006

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Signature  
Mandy Ellis



PATENT  
MES/007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Michael E. Shanahan  
Serial No. : 10/915,866 Confirmation No.: 8931  
Filed : August 11, 2004  
Title : METHODS AND APPARATUSES FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO ELECTRONIC  
DEVICES.  
Examiner : Congvan Tran  
Group Art Unit : 2617

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. § 1.56, 1.97 and 1.98, applicant hereby makes the documents listed below of record in the above- identified application.

**U. S. PATENTS**

Hoarty, et al.	Patent No.5,220,420	June 15, 1993
Mitzlaff	Patent No.4,866,766	Sept 12, 1989

Davis	Patent No.4,868,561	Sept 19, 1989
Litter, et al.	Patent No.5,247,347	Sept 21, 1993
Yurt, et al.	Patent No.5,253,275	Oct 12, 1993
Mincer, et al.	Patent No.5,262,275	Nov 16, 1993
Gelman, et al.	Patent No.5,341,474	Aug 23, 1994
Britz	Patent No.5,414,444	May 9, 1995
Yamada	Patent No.5,414,751	May 9, 1995
Moskowitz	Patent No.5,428,606	June 27, 1995
Buhro, et al.	Patent No.5,440,336	Aug 8, 1995
Northcutt, et al.	Patent No.5,442,749	Aug 15, 1995
Kyronlahti, et al.	Patent No.5,452,354	Sept 19, 1995
McMahan, et al.	Patent No.5,461,666	Oct 24, 1995
Olsen, et al.	Patent No.5,479,510	Dec 26 1995
MacAllister, et al.	Patent No.5,481,599	Jan 2, 1996
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Wolf	Patent No.5,517,605	May 14, 1996
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Russo	Patent No.5,619,247	April 8, 1997
Nilssen	Patent No.5,623,531	April 22, 1997
Grady, et al.	Patent No.5,625,404	April 29, 1997
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Kim	Patent No.5,940,775	Aug 17, 1999
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Cho, et al.	Patent No.5,983,069	Nov 9, 1999
Henricks	Patent No.5,986,690	Nov 16, 1999
Huotari	Patent No.5,987,323	Nov 16, 1999
Nilssen	Patent No.5,999,094	Dec 7, 1999

Schaffer, et al.	Patent No.5,999,599	Dec 7, 1999
Yurt, et al.	Patent No.6,002,720	Dec 14, 1999
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Valentine, et al.	Patent No.6,018,654	Jan 25, 2000
Shirai	Patent No.6,018,656	Jan 25, 2000
Kaufman	Patent No.6,035,018	March 7, 2000
Ali-Vehmas, et al.	Patent No.6,035,189	March 7, 2000
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Morishima	Patent No.6,075,998	June 13, 2000
Kato, et al.	Patent No.6,088,730	July 11, 2000
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Parluski, et al.	Patent No.6,122,526	Sept 19, 2000
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Rosen	Patent No.6,167,130	Dec 26, 2000
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Kim	WO 0038340	Dec 22, 1998
Oy Radiolinja Ab	WO 36857	June 22, 2000

**FOREIGN OFFICE ACTION**

Canadian Office Action dated April 21, 2004 copy included.

Canadian Office Action dated December 29, 2004 copy included.

Canadian Office Action dated March 31, 2005 copy included.

Canadian Office Action dated September 28, 2005 copy included.

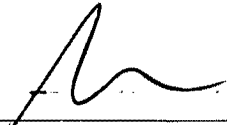
Canadian Office Action dated September 19, 2006 copy included.

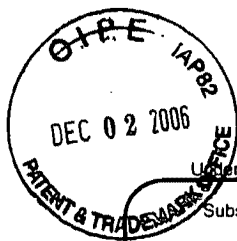
It is respectfully requested the Examiner fully consider these and any associated documents during the examination of this application, make them of record, and indicate his or her consideration of the documents by initialing the enclosed Citation List adjacent the citation of each document, and print them on any patent that may issue on this application. It is requested that a copy of the initialed Citation form be returned to applicant's undersigned Attorney. Citing of references herein shall not be deemed an admission that such references are prior art. Copies of the cited references are transmitted herewith.

Included is a USPTO Credit Card payment form which authorizes charges for \$180.00 in payment of IDS fee pursuant to 37 C.F.R. § 1.17 (p) and § 1.97 (c) (2).

Respectfully submitted,

12/2/06  
Date

  
\_\_\_\_\_  
Scott H. Kaliko  
Attorney for Applicant  
Registration No. 45,786  
Kaliko & Yeager  
500 North Franklin Turnpike  
Ramsey, NJ 07446  
Direct: 201-831-0575  
Fax: 201-831-0519



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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

## Complete if Known

Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Art Unit	2617
Examiner Name	CongVan Tran
Attorney Docket Number	MES/007

Sheet 1 of 7

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,866,766	09-12-1989	Mitzlaff	
		US- 4,868,561	09-19-1989	Davis	
		US- 5,220,420	06-15-1993	Hoarty, et al.	
		US- 5,247,347	09-21-1993	Litter, et al.	
		US- 5,253,275	10-12-1993	Yurt, et al.	
		US- 5,262,275	11-16-1993	Mincer, et al.	
		US- 5,341,474	08-23-1994	Gelman, et al.	
		US- 5,414,444	05-09-1995	Britz	
		US- 5,414,751	05-09-1995	Yamada	
		US- 5,428,606	06-27-1995	Moskowitz	
		US- 5,440,336	08-08-1995	Buhro, et al.	
		US- 5,442,749	08-15-1995	Northcutt, et al.	
		US- 5,452,354	09-19-1995	Kyronlahti, et al.	
		US- 5,461,666	10-24-1995	McMahan, et al.	
		US- 5,479,510	12-26-1995	Olsen, et al.	
		US- 5,481,599	01-02-1996	MacAllister, et al.	
		US- 5,483,580	01-09-1996	Brandman, et al.	
		US- 5,483,581	01-09-1996	Hird, et al.	
		US- 5,485,370	01-16-1996	Moss, et al.	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		JP 09205471	08-05-1997	Hideo		
		WO 9928897	12-04-1997	Divon, et al.		
		EP 0 851 649 A2	12-16-1997	Armanto, et al.		
		WO 9943136	02-18-1998	Rydbeck, et al.		
		WO 0038340	12-22-1998	Kim		
		WO 0036857	06-22-2000	Oy Radiolinja Ab		

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

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 2

of 7

**Complete if Known**

Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Art Unit	2617
Examiner Name	CongVan Tran
Attorney Docket Number	MES/007

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,486,686	01-23-1996	Zdybel, Jr. et al.	
		US- 5,487,671	01-30-1996	Shapiro, et al.	
		US- 5,490,210	02-06-1996	Sasso	
		US- 5,490,251	02-06-1996	Clark, et al.	
		US- 5,499,288	03-12-1996	Hunt, et al.	
		US- 5,508,733	04-16-1996	Kassatly	
		US- 5,510,777	04-23-1996	Pilc, et al.	
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		US- 5,517,605	05-14-1996	Wolf	
		US- 5,524,141	06-04-1996	Braun, et al.	
		US- 5,528,281	06-18-1996	Grady, et al.	
		US- 5,526,620	06-18-1996	Hallsten	
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		US- 5,541,917	06-30-1996	Farris	
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		US- 5,544,255	08-06-1996	Smithies, et al.	

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		CA Office Action	04-21-2004			
		CA Office Action	12-19-2004			
		CA Office Action	03-31-2005			
		CA Office Action	09-28-2005			
		CA Office Action	09-19-2006			
		Related Cases Cited in IDS	VARIOUS			

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Substitute for form 1449/PTO  <h2 style="text-align: center; margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; font-size: small;">(Use as many sheets as necessary)</p>	<p style="text-align: center; font-weight: bold; margin: 0;">Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Application Number</td> <td>10/915,866</td> </tr> <tr> <td>Filing Date</td> <td>August 11, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Michael E. Shanahan</td> </tr> <tr> <td>Art Unit</td> <td>2617</td> </tr> <tr> <td>Examiner Name</td> <td>CongVan Tran</td> </tr> <tr> <td>Attorney Docket Number</td> <td>MES/007</td> </tr> </table>	Application Number	10/915,866	Filing Date	August 11, 2004	First Named Inventor	Michael E. Shanahan	Art Unit	2617	Examiner Name	CongVan Tran	Attorney Docket Number	MES/007
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Sheet <b>3</b> of <b>7</b>													

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		US- 5,548,726	08-20-1996	Pettus	
		US- 5,550,557	08-27-1996	Verbiest, et al.	
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Sheet 4

of 7

**Complete if Known**

Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Art Unit	2617
Examiner Name	CongVan Tran
Attorney Docket Number	MES/007

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		Number-Kind Code <sup>2</sup> (if known)			
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		US- 5,613,012	03-18-1997	Hoffman, et al.	
		US- 5,613,190	03-18-1997	Hylton, et al.	
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		US- 5,619,247	04-08-1997	Russo	
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		US- 5,793,413	08-11-1998	Hylton, et al.	

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Sheet 5 of 7

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Application Number	10/915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
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		US- 5,999,094	12-07-1999	Nilssen	
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		US- 6,088,730	07-11-2000	Kato, et al.	
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		US- 6,389,124	05-14-2002	Schnarel, et al.	
		US- 6,483,531	11-19-2002	Ryu	
		US- 7,088,990	08-08-2006	Isomursu, et al.	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/915,866	08/11/2004	Michael E. Shanahan	MES/007	8931

39550 7590 11/09/2006  
KALIKO & YEAGER, L.L.C.  
500 NORTH FRANKLIN TURNPIKE  
RAMSEY, NJ 07446

EXAMINER

TRAN, CONGVAN

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/09/2006

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

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/915,866	SHANAHAN, MICHAEL E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CongVan Tran	2617	

-- 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 September 2006.
- 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) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-40 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: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. 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.

2. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (6,366,791) in view of Isomursu et al. (7,088,990).

Regarding claims 1-2, 6, 10-20, and 31-36, 39-40, Lin discloses a system and method for providing a musical ringing tone on mobile stations comprising: means for connecting to a remote database that includes a plurality of lists of polyphonic audio files (see fig.2, elements 20, 45, 55 and its description); means for selecting at least one of the polyphonic audio files from the browsed list (see col.3, lines 9-21, fig.2 and its description); means for downloading the selected polyphonic audio file for use at the time specified by the user of the wireless telephone (see col.3, lines 9-21, fig.2 and its description), except for means for browsing at least one of the lists of polyphonic audio files; and means for optionally reviewing the selected polyphonic audio file. However, Isomursu discloses a communication network terminal supporting a plurality of applications comprising means for browsing at least one of the lists of polyphonic audio files; and means for optionally reviewing the selected polyphonic audio file before downloading the selected polyphonic audio into a memory circuit in the wireless telephone (see figs.1-2, fig.9, elements 13-14 col.14, line 47-col.15, line 6 and its



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description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Isomursu's option in Lin's invention to provide network ringing options to mobile subscribers.

Regarding claim 3, Lin further discloses means for searching the Internet or other remote databases for the desired polyphonic audio file (see fig.2, elements 35, 45, 55, and its description).

Regarding claim 4, Isomursu further discloses means for providing a visual indication on a display screen of the wireless telephone to confirm the selected polyphonic audio file has been successfully downloaded (see fig.10, col.14, line 47- col.15, line 6 and its description).

Regarding claims 5, since the audio files or musicals can download and the browsing of polyphonic audio files, thus it is obvious that the skill in the art could browsing of polyphonic audio files using a Wireless Application Protocol (WAP) compliant system.

Regarding claims 7, 9, Lin discloses a system and method for providing a musical ringing tone on mobile stations comprising: means for connecting to a remote database that includes a plurality of audio files (see fig.2, elements 20, 45, 55 and its description); means for selecting at least one of the audio files from the database (see col.3, lines 9-21, fig.2 and its description); means for downloading and storing the selected audio file for use as an indicia of an incoming communication (see col.3, lines 9-21, fig.2 and its description), except for means for preventing the unauthorized

Art Unit: 2617

distribution. Examiner takes Official notice that this feature is notoriously well known in the art in order to prevent the unauthorized use by the subscriber.

Regarding claim 8, the Examiner takes Official notice that these features the communication device is structurally integrated with communication device is notoriously well known in the art in order to limited the use of the memory.

Regarding claims 21-26, 29-30, Lin and Isomursu disclose all the subject matter described in rejected claims 1, 10-11, and 31, except for confirming the selected polyphonic audio file has been properly received. Examiner takes Official notice that this feature is notoriously well known in the art in order to confirm the download procedure has been done.


Regarding claims 27-28, 37-38, since the audio files or musicals can download and select from the remote database this is obvious that the skill in the art could select audio files or musicals from group MIDI, MPEG...etc.,

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CONGVANTRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2617

Nov. 07, 2006.

<b>Notice of References Cited</b>	Application/Control No. 10/915,866	Applicant(s)/Patent Under Reexamination SHANAHAN, MICHAEL E.	
	Examiner CongVan Tran	Art Unit 2617	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-7,088,990 B1	08-2006	Isomursu et al.	455/412.1
*	B US-6,366,791 B1	04-2002	Lin et al.	455/567
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
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M	US-			

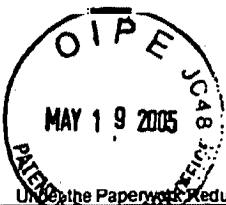
**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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S					
T					

**NON-PATENT DOCUMENTS**

*	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.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<p>Substitute for form 1449/PTO</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;"><i>(Use as many sheets as necessary)</i></p>	<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td>10/915,866</td> </tr> <tr> <td>Filing Date</td> <td>August 11, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Michael E. Shanahan</td> </tr> <tr> <td>Art Unit</td> <td>2687</td> </tr> <tr> <td>Examiner Name</td> <td>Lester G. Kincaid</td> </tr> <tr> <td>Attorney Docket Number</td> <td>MES-007</td> </tr> </table>	Application Number	10/915,866	Filing Date	August 11, 2004	First Named Inventor	Michael E. Shanahan	Art Unit	2687	Examiner Name	Lester G. Kincaid	Attorney Docket Number	MES-007
Application Number	10/915,866												
Filing Date	August 11, 2004												
First Named Inventor	Michael E. Shanahan												
Art Unit	2687												
Examiner Name	Lester G. Kincaid												
Attorney Docket Number	MES-007												
<p>Sheet <b>1</b> of <b>1</b></p>													

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		
CT		US- 5,694,455	12-02-1997	GOODMAN	
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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
CT		WO-98/11487	03-19-1998	AUDIBLE, INC.		

Examiner Signature	 Cong Van Tran <small>Cong Van Tran, Esq., Inventor 1001 S. 1st Street, Suite 100 Arlington, VA 22204-3442 Tel: 703-270-1100</small>	Date Considered	NOV. 07, 2006
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Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Application Number	10/915,866
		Filing Date	August 11, 2004
		First Named Inventor	Michael E. Shanahan
		Art Unit	2688
		Examiner Name	Congvan Tran
		Attorney Docket Number	MES/007
Sheet 1	of 1	RECEIVED CENTRAL FAX CENTER AUG 15 2006	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number <i>Number-Kind Code<sup>2</sup> (if known)</i>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
CT	US-	6,845,398	01-18-2005	Galensky et al.	
CT	US-	6,829,618	12-07-2004	Abraham et al.	
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Examiner Signature CongVan Tran	Date Considered NOV> 07, 2006
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PTO/58/08A (07-08)

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	Application Number	10/915,868
	Filing Date	August 11, 2004
	First Named Inventor	Michael E. Shanahan
	Art Unit	2688
Examiner Name	CongVan Tran	
Attorney Docket Number	MES/007	
Sheet 1 of 1		

U. S. PATENT DOCUMENTS					
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		Number-Kind Code‡ (if known)			
CT		US- 6,963,877	10-05-1999	Kobayashi	
		US- 6,198,941	03-20-2001	Aho et al.	
		US- 6,385,305	05-07-2002	Gerszberg et al.	
		US- 6,928,488	08-09-2005	Leermakers	
CT		US- 2005/0054379 A1	03-10-2005	Cao et al.	
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Examiner Initials*	Cite No.†	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T‡
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Examiner Signature	CongVan Tran	Date Considered	NOV. 07, 2006
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**Index of Claims**



Application/Control No.

10/915,866

Examiner

CongVan Tran

Applicant(s)/Patent under Reexamination

SHANAHAN, MICHAEL E.

Art Unit

2617

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
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# Search Notes



**Application/Control No.**

10/915,866

**Examiner**

CongVan Tran

**Applicant(s)/Patent under  
Reexamination**

SHANAHAN, MICHAEL E.

**Art Unit**

2617

## SEARCHED

Class	Subclass	Date	Examiner

## SEARCH NOTES (INCLUDING SEARCH STRATEGY)

	DATE	EXMR
Search Updated	11/7/2006	CT

## INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

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MES/007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael E. Shanahan  
 Application No. : 10/915,866 Confirmation No.: 8931  
 Filed : August 11, 2004  
 Title : METHODS AND APPARATUSES FOR PROGRAMMING  
 USER-DEFINED INFORMATION INTO  
 ELECTRONIC DEVICES  
 Examiner : CongVan Tran  
 Group Art Unit : 2688

September 5, 2006

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

REPLY TO OFFICE ACTION

Sir:

In reply to the Office Action dates March 7, 2006

A listing of claims which begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

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Listing of Claims

1. (Previously presented) A wireless telephone that may be customized by programming an audio file into the wireless telephone for use at a time specified by a user of the wireless telephone, the telephone comprising:

means for connecting to a remote database that includes a plurality of lists of polyphonic audio files;

means for browsing at least one of the lists of polyphonic audio files; means for selecting at least one of the polyphonic audio files from the browsed list;

means for optionally reviewing the selected polyphonic audio file before downloading the selected polyphonic audio into a memory circuit in the wireless telephone; and

means for downloading the selected polyphonic audio file for use at the time specified by the user of the wireless telephone.

2. (Previously presented) The wireless telephone of claim 1, further comprising means for searching the remote database for a certain desired polyphonic audio file using title or description information to aid in locating the desired polyphonic audio file.

3. (Previously presented) The wireless telephone of claim 2, wherein the searching further comprises means for searching the Internet or other remote databases for the desired polyphonic audio file.

4. (Previously presented) The wireless telephone of claim 1, further comprising means for providing a visual indication on a display screen of the wireless telephone to confirm the selected polyphonic audio file has been successfully downloaded.

5. (Previously presented) The wireless telephone of claim 1, wherein the browsing of polyphonic audio files is accomplished at least in part using a Wireless Application Protocol (WAP) compliant system.

6. (Previously presented) The wireless telephone of claim 1, further comprising means for preventing unauthorized distribution of the selected polyphonic audio file stored in the programmable memory circuit.

7. (Previously presented) A wireless telephone that may be customized by programming an audio file into the wireless telephone for use as an indicia of an incoming communication, the telephone comprising:

means for connecting to a remote database that includes a plurality of audio files; means for selecting at least one of the audio files from the database;

means for downloading and storing the selected audio file for use as an indicia of an incoming communication; and

means for preventing the unauthorized distribution of a selected audio file stored in the wireless telephone.

8. (Previously presented) The wireless telephone of claim 7, further comprising means for indicating that a memory capacity of the wireless telephone has been exceeded if the size of the audio file to be downloaded is larger than available memory space in the wireless telephone.

9. (Previously presented) The wireless telephone of claim 7, wherein the selected audio file is a polyphonic audio file.

10. (Previously presented) A telephone that may be customized by searching for and selecting an audio file from a remote computer and programming the selected audio file into the telephone for use at a time specified by the user, the telephone comprising:

a communications link capable of connecting to a database in the remote computer that includes a plurality of polyphonic audio files;

a display screen and a browsing application program that allows a user of the telephone to browse the polyphonic audio files and select at least one polyphonic audio file therefrom;

processing circuitry configured to supervise receipt of a selected polyphonic audio file from the communications link;

a programmable memory circuit for allowing the user to optionally store the selected polyphonic audio file for use at a time the specified by the user; and

an enhanced performance speaker capable of providing a substantially full range of audio sounds from the selected polyphonic audio file when the selected polyphonic audio file is played.

11. (Previously presented) A system for providing a polyphonic audio file to a wireless telephone for use as an indicia of an incoming communication, the system comprising:

a remote computer with access to a database of polyphonic audio files suitable for downloading to the wireless telephone wherein the remote computer is configured to:

provide a list of polyphonic audio files in the database to a user of the wireless telephone when the user requests the list of polyphonic audio files;

allow the user of the wireless telephone to browse the list of polyphonic audio files;

allow the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files; and

allow the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication; wherein the system is configured to confirm the selected polyphonic audio file has been properly received by the wireless telephone.

**BEST AVAILABLE COPY**

12. (Previously presented) The system of claim 11, wherein the remote computer is further configured to allow the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

13. (Previously presented) The system of claim 11, further configured to allow the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

14. (Previously presented) The system of claim 13, further configured to provide the user of the wireless telephone with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

15. (Previously presented) The system of claim 15, further configured to provide the user of the wireless telephone with the option of editing the selected polyphonic audio file before programming the selected polyphonic audio file into the programmable memory in the wireless telephone.

16. (Previously presented) The system of claim 11, wherein the remote computer is further configured to provide a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

17. (Previously presented) The system of claim 11, wherein the database is configured to include polyphonic audio files selected from the group comprising MP3, MPEG, or WAV files.

18. (Previously presented) The system of claim 11, wherein the database is configured to include polyphonic MIDI audio files.

19. (Previously presented) The system of claim 11, configured to provide copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

20. (Previously presented) The system of claim 11, further configured to coordinate downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

21. (Previously presented) A method for providing a polyphonic audio file to a wireless telephone for use as an indicia of an incoming communication, the method comprising:

providing a database of polyphonic audio files suitable for downloading to the wireless telephone;



providing a list of polyphonic audio files in the database to a user of the wireless telephone when the user requests the list of polyphonic audio files;

allowing the user of the wireless telephone to browse the list of polyphonic audio files;

allowing the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files;

allowing the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication; and

confirming the selected polyphonic audio file has been properly received.

22. (Previously presented) The method of claim 21, further comprising allowing the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

23. (Previously presented) The method of claim 21, further comprising allowing the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

24. (Previously presented) The method of claim 23, further comprising providing the user of the wireless telephone to with the option of downloading the selected polyphonic audio

file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

25. (Previously presented) The method of claim 24, further comprising providing the user of the wireless telephone with the option of editing the selected polyphonic audio file before programming the selected polyphonic audio file into the programmable memory in the wireless telephone.

26. (Previously presented) The method of claim 21, further comprising providing a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

27. (Previously presented) The method of claim 21, further comprising storing polyphonic audio files in the database including those selected from the group comprising MP3, MPEG, or WAV files.

28. (Previously presented) The method of claim 21, further comprising storing polyphonic audio files in the database including polyphonic MIDI audio files.

29. (Previously presented) The method of claim 21, further comprising providing copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

30. (Previously presented) The method of claim 21, further comprising coordinating downloading of the selected polyphonic audio file such that the user of the wireless

telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

31. (Previously presented) An Internet site that allows a user of a wireless telephone to browse and select a polyphonic audio file that may be downloaded into a wireless telephone for use as an indicia of an incoming communication, the Internet site comprising:

a database of polyphonic audio files suitable for downloading to the wireless telephone wherein the Internet site is configured to:

provide a list of polyphonic audio files in the database to the user of the wireless telephone when the user of the wireless telephone requests the list of polyphonic audio files;

allow the user of the wireless telephone to browse the list of polyphonic audio files;

allow the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files; and

allow the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication.

32. (Previously presented) The Internet site of claim 31, configured to operate in conjunction with a distribution

computer to confirm the selected polyphonic audio file has been properly received by the wireless telephone.

33. (Previously presented) The Internet site of claim 31, further configured to allow the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

34. (Previously presented) The Internet site of claim 31, further configured to operate in conjunction with a distribution computer to allow the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

35. (Previously presented) The Internet site of claim 34, further configured to operate in conjunction with a distribution computer to provide the user of the wireless telephone with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

36. (Previously presented) The Internet site of claim 31, further configured to provide a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

37. (Previously presented) The Internet site of claim 31, wherein the database is configured to include polyphonic audio files selected from the group comprising MP3, MPEG, or WAV

files.

38. (Previously presented) The Internet site of claim 31, wherein the database is configured to include polyphonic MIDI audio files.

39. (Previously presented) The Internet site of claim 31, configured to operate in conjunction with a distribution computer to provide copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

40. (Previously presented) The Internet site of claim 31, configured to operate in conjunction with a distribution computer to coordinate downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

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REMARKS

I. Petition Under 37 C.F.R. § 1.136(a)

Pursuant to 37 C.F.R. § 1.136(a), applicant hereby petitions for a three-month extension of the shortened statutory period set for reply to the Office Action dated March 7, 2006. A PTO credit card authorization form in the amount of \$510.00 in payment of the fee set forth in 37 C.F.R. § 1.17(a)(3) is transmitted herewith.

II. Introduction

Claims 1-40 are pending in the application.

Claims 1-40 are subject to a provisional double patenting rejection.

Consideration and allowance of this application in light of the following remarks is respectfully requested.

III. Applicant's Reply to the Double Patenting Rejection

Claims 1-40 are provisionally rejected as allegedly being in conflict with claims 1-40 of co-pending application 10/915,862 (the "'862 application"). Applicant has reviewed the claims in the '862 application and the claims pending in this case and found claims 1-8 in this and claims 52-59 in the '862 application are the same. No other claims are common to both cases and the

remaining claims differ from one another in many patentable respects. Thus, claims 1-40 of this case do not conflict with any of claims 18-51 and 60 of the '862 application.


Applicant cancels without prejudice claims 52-59 in the '862 application (in an amendment filed concurrently herewith) and elects to pursue claims 1-8 in this case. Accordingly, applicant respectfully requests that the double patenting rejection pursuant to 35 U.S.C. § 101 be withdrawn.

V. Conclusion

Accordingly, applicant respectfully requests that the Examiner withdraw the double patenting rejection and allow the pending claims. To expedite prosecution of this application to allowance, the examiner is invited to call the applicant's undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: 9/5/06

  
\_\_\_\_\_  
Scott H. Kaliko  
Attorney for Applicant  
Registration No. 45,786  
**KALIKO & YEAGER**  
500 North Franklin Turnpike  
Ramsey, NJ 07446  
Direct: 201-831-0575  
Fax: 201-831-0519

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COMPANY: United States Patent & Trademark Office	DATE: SEPTEMBER 5, 2006
RECIPIENT'S FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 94
RECIPIENT'S TELEPHONE NUMBER:	CLIENT / MATTER:
RE: Application No. 10/915,866	YOUR REFERENCE NUMBER: MES/007

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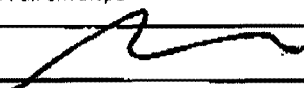
PTO/SB/21 (09-04)  
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/915,866	
	Filing Date	August 11, 2004	
	First Named Inventor	Michael E. Shanahan	
	Art Unit	2688	
	Examiner Name	CongVan Tran	
Total Number of Pages in This Submission	93	Attorney Docket Number	MES-007

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to 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 checked="" 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 type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Statement Pursuant to 37 C.F.R. Section 1.97(e)(1): Copy of foreign patent document
<input checked="" 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 type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kaliko & Yeager		
Signature			
Printed name	Scott H. Kaliko, Esq		
Date	September 5, 2006	Reg. No.	45,788

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	Scott H. Kaliko, Esq	Date	September 5, 2006

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 1.11 and 1.14. This collection is estimated to 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 2006

### Complete if Known

Application Number	10-915,666
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Examiner Name	CongVan Tran
Art Unit	2688
Attorney Docket No.	MES/007

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Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$690.00

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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### FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)				
Each claim over 20 (including Reissues)	50	25				
Each independent claim over 3 (including Reissues)	200	100				
Multiple dependent claims	360	180				
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20.						
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
- 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3.						

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), 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).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)  
Other (e.g., late filing surcharge): (DS fee 37 CFR 1.17 (P)) \$180/3 mos. Extension of time 1.17(a) (3) \$510 \$690.00

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 45,786	Telephone 201-831-0575
Name (Print/Type)	Scott H. Kaliko, Esq.		Date September 5, 2006

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# FEE TRANSMITTAL

## For FY 2006

Complete if Known	
Application Number	10-915,866
Filing Date	August 11, 2004
First Named Inventor	Michael E. Shanahan
Examiner Name	CongVan Tran
Art Unit	2888
Attorney Docket No.	MES/007

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Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$690.00

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____


Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**  
 If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), 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).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge): IDS fee 37 CFR 1.17 (P) \$180/3mcs. Extension of time 1.17(a) (3) \$910	_____
	<b>Fees Paid (\$)</b>
	\$690.00

SUBMITTED BY		
Signature		Registration No. (Attorney/Agent) 45,786
Name (Print/Type)	Scott M. Kaliko, Esq.	Telephone 201-831-0575
		Date September 5, 2006

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SEP 05 2006 PATENT  
MES/007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Michael E. Shanahan

Serial No. : 10/915,866 Confirmation No.: 8931

Filed : August 11, 2004

Title : METHODS AND APPARATUSES FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO ELECTRONIC  
DEVICES

Examiner : CongVan Tran

Group Art Unit : 2688

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby makes the documents listed below of record in the above-identified application.

**U.S. Patents**

Kobayashi	Patent No. 5,963,877	October 5, 1999
Aho et al.	Patent No. 6,198,941	March 20, 2001

09/06/2006 MBINAS 00000000 10915866

02 FC:1006

100.00 OP

PATENT  
MES/007

Gerszberg et al.	Patent No. 6,385,305	May 7, 2002
Leermakers	Patent No. 6,928,468	August, 2005

**U.S. Patent Applications**

Cao et al.	US-2005/0054379 A1	March, 2005
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**Related Cases**

Applicant draws the Examiner's attention to the following related cases that share a common specification with this case.

- U.S. Patent No. 6,496,692
- U.S. Patent application No. 09/518,846 (abandoned)
- U.S. Patent application No. 10/603,285
- U.S. Patent application No. 10/600,975
- U.S. Patent application No. 10/603,271
- U.S. Patent application No. 10/915,862
- U.S. Patent application No. 10/223,200

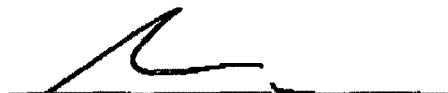
It is respectfully requested the Examiner fully consider these and any associated documents during the examination of this application, make them of record, and indicate his or her consideration of the documents by initialing the enclosed Citation List adjacent the citation of each document, and print them on any patent that may issue on this application. It is requested that a copy of the initialed Citation form be returned to the applicant's undersigned Attorney.

PATENT  
MES/007

As this application was filed after June 30, 2003 copies of cited U.S. patents and applications are not required, and are therefore not included.

Included is a USPTO Credit card payment form that authorizes charges of \$180.00 in payment of the IDS fee pursuant to 37 C.F.R. § 1.17(p) and 1.97(c)(2).

Respectfully submitted,



\_\_\_\_\_  
Scott H. Kaliko  
Attorney for Applicant  
Registration No. 45,786  
KALIKO & YEAGER  
500 North Franklin Turnpike  
Ramsey, NJ 07446  
Direct: 201-831-0575  
Fax: 201-831-0519

SEP 05 2006

PTO/SB/08A (07-08)

Approved for use through 09/30/2008, OMB 0661-0031

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

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>	<b>Complete if Known</b>	
	Application Number	10/915,866
	Filing Date	August 11, 2004
	First Named Inventor	Michael E. Shanahan
	Art Unit	2688
	Examiner Name	CongVan Tran
Attorney Docket Number	MES/007	
Sheet 1 of 1		

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,963,877	10-05-1999	Kobayashi	
		US- 6,198,941	03-20-2001	Aho et al.	
		US- 6,385,305	05-07-2002	Gerszberg et al.	
		US- 6,928,468	08-09-2005	Leermakers	
		US- 2005/0054379 A1	03-10-2005	Cao et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

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

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1/10, 11, 21, 31

**PATENT APPLICATION FEE DETERMINATION RECORD**

Effective October 1, 2003

Application or Docket Number

10915868

**CLAIMS AS FILED - PART I**

(Column 1) (Column 2)

TOTAL CLAIMS	40	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	40 minus 20 =	20
INDEPENDENT CLAIMS	6 minus 3 =	3
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		RATE	FEE
BASIC FEE	385.00	OR	BASIC FEE	770.00
X\$ 9=	180	OR	X\$18=	
X43=	129	OR	X86=	
+145=		OR	+290=	
TOTAL	694	OR	TOTAL	

9/5/06 **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	40	Minus	20	= 20
	Independent	6	Minus	3	= 3
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

**SMALL ENTITY** OR

**OTHER THAN SMALL ENTITY**

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	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		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	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		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	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.

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TO:  Commissioner for Patents	FROM: Scott H. Kaliko, Esq. SENDER'S FAX NUMBER: 201-831-0519 SENDER'S TELEPHONE NUMBER: 201-831-0575
COMPANY: United States Patent & Trademark Office	DATE: AUGUST 15, 2006
RECIPIENT'S FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 53
RECIPIENT'S TELEPHONE NUMBER:	CLIENT / MATTER:
RE: Application No. 10/915,866	YOUR REFERENCE NUMBER: MES/007

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

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Please confirm receipt of this fax and the below-identified attached parts.

1. Transmittal Form/Certificate of Transmission; and
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3. Credit Card Payment Form; and
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5. PTO Form 1449; and
6. Copies of References.

The PTO did not receive the following listed item(s) PTO FORM 1449

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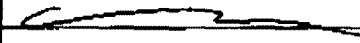
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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/915,866	<b>RECEIVED CENTRAL FAX CENTER AUG 15 2006</b>
	Filing Date	August 11, 2004	
	First Named Inventor	Michael E. Shanahan	
	Art Unit	2688	
	Examiner Name	Congvan Tran	
Total Number of Pages in This Submission	52	Attorney Docket Number	MES/007

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Supplemental IDS; and 2. PTO Form 1449; and 3. Credit Card Payment Form; and 4. Copies of References.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kaliko & Yeager		
Signature			
Printed name	Scott H. Kaliko, Esq.		
Date	August 15, 2006	Reg. No.	45,786

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Signature	
Typed or printed name	Scott H. Kaliko, Esq.
Date	August 15, 2006

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 1.11 and 1.14. This collection is estimated to 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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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918). <b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<i>Complete if Known</i>		
		Application Number	10/915.866	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	August 11, 2004	
		First Named Inventor	Michael E. Shanahan	
		Examiner Name	Congvan Tran	
		Art Unit	2688	
TOTAL AMOUNT OF PAYMENT	(\$)	180.00	Attorney Docket No.	MES/007

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.  
**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), 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).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) \_\_\_\_\_

Other (e.g., late filing surcharge): IDS fee 37 CFR 1.17(P) \_\_\_\_\_ **180.00**

**SUBMITTED BY**

Signature	Registration No. 45,786	Telephone 201-831-0575
Name (Print/Type) Scott H. Kaliko, Esq.	(Attorney/Agent)	Date August 15, 2006

This collection of information is required by 37 CFR 1.136. 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 30 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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<b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<i>Complete if Known</i>	
		Application Number	10/915,866
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	August 11, 2004
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <b>180.00</b>		First Named Inventor	Michael E. Shanahan
		Examiner Name	Congvan Tran
		Art Unit	2688
		Attorney Docket No.	MES/007

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 Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
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	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

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**Total Sheets** - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_ **Fee Paid (\$)**

**4. OTHER FEE(S)**  
 Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**  
 Other (e.g., late filing surcharge): IDS fee 37 CFR 1.17 (P) **180.00**

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 45,786	Telephone 201-831-0575
Name (Print/Type) Scott H. Kaliko, Esq.		Date August 15, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael E. Shanahan

Serial No. : 10/915,866 Confirmation No.: 8931

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Title : METHODS AND APPARATUSES FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO ELECTRONIC  
DEVICES.

Examiner : Congvan Tran

Group Art Unit : 2688

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby makes the documents listed below of record in the above-identified application.

U.S. Patents

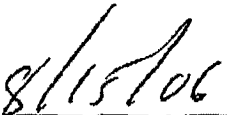
Abraham et al.	Patent No. 6,829,618	December, 2004
Galensky et al.	Patent No. 6,845,398	January, 2005

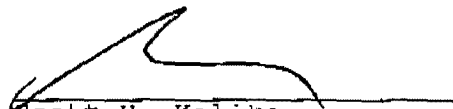
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It is respectfully requested the Examiner fully consider these and any associated documents during the examination of this application, make them of record, and indicate his or her consideration of the documents by initialing the enclosed Citation List adjacent the citation of each document, and print them on any patent that may issue on this application. It is requested that a copy of the initialed Citation form be returned to applicant's undersigned Attorney. Citing of references herein shall not be deemed an admission that such references are prior art. Copies of the cited references are transmitted herewith.

Included is a USPTO Credit Card payment form which authorizes charges for \$180.00 in payment of IDS fee pursuant to 37 C.F.R. § 1.17 (p) and § 1.97(c)(2).

Respectfully submitted,

  
Date

  
Scott H. Kaliko  
Attorney for Applicant  
Registration No. 45,786  
KALIKO & YEAGER, L.L.C.  
500 North Franklin Turnpike  
Ramsey, NJ 07446  
Direct: 201-831-0575  
Fax: 201-831-0519

PTO/SB/08A (07-05)

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>	<b>Complete if Known</b>	
	Application Number	10/915,866
	Filing Date	August 11, 2004
	First Named Inventor	Michael E. Shanahan
	Art Unit	2688
	Examiner Name	Congvan Tran
Attorney Docket Number	MES/007	
Sheet 1 of 1		

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U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		
		US- 6,845,398	01-18-2005	Galensky et al.	
		US- 6,829,618	12-07-2004	Abraham et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>1</sup>
		Country Code <sup>2</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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28



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/915,866	08/11/2004	Michael E. Shanahan	MES/007	8931
39550	7590	03/07/2006	EXAMINER TRAN, CONGVAN	
KALIKO & YEAGER, L.L.C. 500 NORTH FRANKLIN TURNPIKE RAMSEY, NJ 07446			ART UNIT      PAPER NUMBER 2688	

DATE MAILED: 03/07/2006

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

**Office Action Summary**

<b>Application No.</b> 10/915,866	<b>Applicant(s)</b> SHANAHAN, MICHAEL E.	
<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2688	

-- 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 \_\_\_\_\_.
- 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) 1-40 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-40 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 8/11/04 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-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. Claims 1-40 of this application conflict with claims 18-59 of Application No. 10/915,862. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

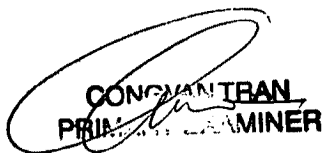
A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1-40 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 18-59 of copending Application No. 10/915,862. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

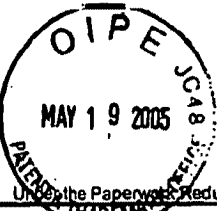
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through 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).



**CONGVAN TRAN**  
**PRIMARY EXAMINER**

CongVan Tran  
Primary Examiner  
Art Unit 2688

March 02, 2006.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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

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Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		Application Number	10/915,866
		Filing Date	August 11, 2004
		First Named Inventor	Michael E. Shanahan
		Art Unit	2687
		Examiner Name	Lester G. Kincaid
		Attorney Docket Number	MES-007

Sheet 1 of 1

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
<i>u</i>		US- 5,694,455	12-02-1997	GOODMAN	<hr/>
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>5</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
<i>u</i>		WO-98/11487	03-19-1998	AUDIBLE, INC.	<hr/>	

Examiner Signature <i>[Signature]</i>	Date Considered 2/28/06
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Notice of References Cited</b>	Application/Control No. 10/915,866	Applicant(s)/Patent Under Reexamination SHANAHAN, MICHAEL E.	
	Examiner CongVan Tran	Art Unit 2688	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2005/0054379 A1	03-2005	Cao et al.	455/556.1
*	B	US-6,198,941 B1	03-2001	Aho et al.	455/552.1
*	C	US-6,928,468 B2	08-2005	Leermakers, Rene	709/221
	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)
	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.

10/915,866

Examiner

CongVan Tran

Applicant(s)/Patent under Reexamination

SHANAHAN, MICHAEL E.

Art Unit

2688

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date		Claim		Date		Claim		Date	
Final	Original			Final	Original			Final	Original		
	1	√			51				101		
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Bib Data Sheet

CONFIRMATION NO. 8931

SERIAL NUMBER 10/915,866	FILING DATE 08/11/2004  RULE	CLASS 455	GROUP ART UNIT 2688	ATTORNEY DOCKET NO. MES/007
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APPLICANTS

Michael E. Shanahan, Nyack, NY;

\*\* CONTINUING DATA \*\*\*\*\* *Yes* \*\*\*\*\*

This application is a CON of 10/223,200 08/16/2002  
 which is a CON of 09/518,712 03/03/2000 PAT 6,496,692  
 which claims benefit of 60/169,158 12/06/1999

\*\* FOREIGN APPLICATIONS \*\*\*\*\*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED \*\* SMALL ENTITY \*\*  
 \*\* 10/07/2004

Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Examiner's Signature <i>as</i> Initials <i>a</i>	STATE OR COUNTRY NY	SHEETS DRAWING 13	TOTAL CLAIMS 40	INDEPENDENT CLAIMS 6
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ADDRESS  
 39550  
 KALIKO & YEAGER, L.L.C.  
 500 NORTH FRANKLIN TURNPIKE  
 RAMSEY , NJ  
 07446

TITLE  
 Methods and apparatus for programming user-defined information into electronic devices

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**Search Notes**



Application/Control No. 10/915,866		Applicant(s)/Patent under Reexamination SHANAHAN, MICHAEL E.	
Examiner CongVan Tran		Art Unit 2688	

<b>SEARCHED</b>			
Class	Subclass	Date	Examiner
455	418 412.1 414.1 413 419 420 424 425	3/1/2006	CT
379	67 815	3/1/2006	CT
	88.02		

<b>SEARCH NOTES (INCLUDING SEARCH STRATEGY)</b>		
	DATE	EXMR

<b>INTERFERENCE SEARCHED</b>			
Class	Subclass	Date	Examiner



*DPW*

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<b>TRANSMITTAL FORM</b>	Application Number	10/915,866	
	Filing Date	August 11, 2004	
	First Named Inventor	Michael E. Shanahan	
	Art Unit	2687	
	Examiner Name	Lester G. Kincaid	
(to be used for all correspondence after initial filing)		Attorney Docket Number	MES-007
Total Number of Pages in This Submission	45		

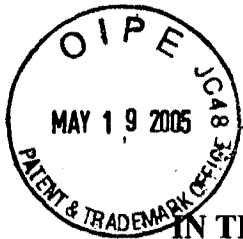
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication 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 Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Statement Pursuant to 37 C.F.R. Section 1.97(e)(1); Copy of foreign patent document
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kaliko & Yeager, L.L.C.		
Signature	<i>Todd W. Evans</i>		
Printed name	Todd W. Evans		
Date	May 17, 2005	Reg. No.	44,101

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Todd W. Evans	Date	May 17, 2005

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PATENTS  
Attorney Docket No. MES-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael E. Shanahan  
Application No.: 10/915,866  
Title of Invention: Methods and Apparatuses for Programming User-Defined Information into Electronic Devices  
Filed: August 11, 2004  
Art Unit: 2687  
Examiner: Lester G. Kincaid

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

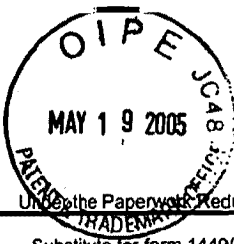
STATEMENT PURSUANT TO 37 C.F.R. § 1.97 (e)(1)

Each item of information contained in the attached information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date that this statement and the attached information disclosure statement are being filed. Since there has been no final action, notice of allowance, or other action that closes prosecution of the present application mailed as of the date that these document are being filed, there is no fee due at this time, pursuant to 37 C.F.R. § 1.97 (c).

Dated: 5/17/05

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Todd W. Evans, Esq.  
Reg. No. 44,101  
Kaliko & Yeager, L.L.C.  
Attorneys for Applicant



PTO/SB/08A (08-03)

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

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Substitute for form 1449/PTO  <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>	<b>Complete if Known</b>												
Sheet <u>1</u> of <u>1</u>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>10/915,866</td></tr> <tr><td>Filing Date</td><td>August 11, 2004</td></tr> <tr><td>First Named Inventor</td><td>Michael E. Shanahan</td></tr> <tr><td>Art Unit</td><td>2687</td></tr> <tr><td>Examiner Name</td><td>Lester G. Kincaid</td></tr> <tr><td>Attorney Docket Number</td><td>MES-007</td></tr> </table>	Application Number	10/915,866	Filing Date	August 11, 2004	First Named Inventor	Michael E. Shanahan	Art Unit	2687	Examiner Name	Lester G. Kincaid	Attorney Docket Number	MES-007
Application Number	10/915,866												
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First Named Inventor	Michael E. Shanahan												
Art Unit	2687												
Examiner Name	Lester G. Kincaid												
Attorney Docket Number	MES-007												

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		
		US- 5,694,455	12-02-1997	GOODMAN	
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		WO-98/11487	03-19-1998	AUDIBLE, INC.		

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 citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MES/007
First Inventor	MICHAEL E. SHANAHAN
Title	METHODS AND APPARATUSES
Express Mail Label No.	ER248402366US

19270 U.S. PTO  
10/9/15866

081104

## 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

- Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 36]  
*(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
- Drawing(s) (35 U.S.C. 113) [Total Sheets 13]
- Oath or Declaration [Total Sheets 5]
  - Newly executed (original or copy)
  - Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - 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).
- Application Data Sheet. See 37 CFR 1.76

- CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
- Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
  - Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - CD-ROM or CD-R (2 copies); or
    - Paper
  - Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- Assignment Papers (cover sheet & document(s))
- 37 CFR 3.73(b) Statement  Power of Attorney *(when there is an assignee)*
- English Translation Document *(if applicable)*
- Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
- Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
- Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 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:

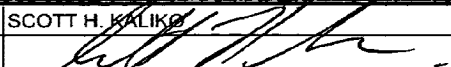
Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 19/223,200.....

Prior application information: Examiner TRAN, CONGVAN Art Unit: 2683  
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: 39550 OR  Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	<u>SCOTT H. KALIKO</u>	Registration No. (Attorney/Agent)	<u>45786</u>
Signature		Date	<u>8/11/2004</u>

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14230 U.S. PTO  
081104

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

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 734.00

### Complete if Known

Application Number	
Filing Date	AUGUST 11, 2004
First Named Inventor	MICHAEL E. SHANAHAN
Examiner Name	
Art Unit	
Attorney Docket No.	MES/007

### 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	
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 a 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)	40.00
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	

### 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	385
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

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
	40	-20** = 20	9	180
	6	-3** = 3	43	129
				0

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)					(\$) 309.00

\*\*or number previously paid, if greater; For Reissues, see above

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 40.00

### SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	SCOTT H. KALHO	Registration No. (Attorney/Agent)	45786	Telephone	201-831-0575
Signature		Date	8/11/2004		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHAEL E. SHANAHAN  
Application No.: Not Yet Assigned  
Title of Invention: METHODS AND APPARATUSES FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO  
ELECTRONIC DEVICES  
Filed: AUGUST 11, 2004  
Group No.: Not Yet Assigned  
Examiner: Not Yet Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

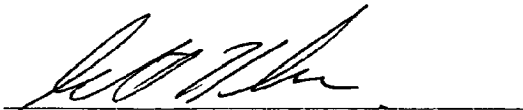
EXPRESS MAIL CERTIFICATE

"Express Mail" label number: Express Mail No. ER248402366US  
Date of Deposit : AUGUST 11, 2004

I hereby state that the following *attached* paper or fee

2004 Fee Transmittal (2 copies);  
Check in the amount of \$734.00 (Small Entity Status  
Claimed) payable to the Commissioner for Patents;  
Utility Patent Application Transmittal;  
Specification, Abstract, and 40 Claims,  
13 Sheets of Formal Drawings;  
Executed Declaration from parent application;  
Power of Attorney/Correspondence Address  
Statement under 37 C.F.R. 3.73(b) (with assignment attached);  
Recordation of Assignment with assignment attached.

is being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service under 37  
C.F.R. § 1.10, on the date indicated above and is addressed to  
the Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.



MES/007

5                    METHODS AND APPARATUSES FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

[001]            This application is a continuation of United States patent application serial number 10/223,200, filed August 16, 2002, which is a continuation of United States Patent 6,496,692, filed  
10    March 3, 2000; which claims priority from United States provisional application serial number 60/169,158 filed December 6, 1999.

Background of the Invention

15    [002]            This application relates to electronic devices, and more particularly to a programming apparatus that allows users to program user-defined information into their electronic device.

[003]            There are many types of electronic devices  
20    available to consumers today that have the ability to produce both audio sounds and video displays. Many of these devices provide users with the ability to select and play a particular piece of audio or video. A television viewer, for example, may tune to a TV channel  
25    and watch a particular program, or connect a VCR or DVD player to the television in order to view a specific program not currently being broadcast. Similarly, an audio system user may tune a receiver to a particular radio station to hear a certain genre of music, or



connect a CD or tape player to the system in order to hear specific pieces of music. In both cases, the audio and video is user-selectable.

5       **[004]**       Currently, however, there are many electronic products that offer an audio/video playing capability that are not fully user-programmable. Users of such devices (e.g., wireless or cordless telephones, pagers, personal digital assistants (PDAs), hand-held computers and the like) have to choose from a limited selection of  
10       pre-programmed information (e.g., audio clips, video clips or frames, etc.) placed there by the manufacturer. This severely limits the user's ability to customize the device to suit his or her particular taste. Furthermore, most pre-programmed audio tends to be rather generic and  
15       can be confusing when a device of a nearby user generates a sound similar to or the same as that of another user's device. Although a programmable memory within many such electronic devices could support user-defined audio, currently, no system exists for programming such  
20       information into an electronic device.

**[006]**       The same is true for user-defined video. For example, certain types of user-defined video information, such as video clips, frames, and other digital or analog images could be programmed into an electronic device  
25       (e.g., PDA, wireless phone, or any portable display device) and displayed at a time of the user choosing. Although a programmable memory within such a device could support user-defined video, currently, no system exists for programming such information into the device.

30       Summary Of The Invention

**[007]**       It is therefore an object of the present invention to provide an apparatus that allows a user to program user-defined audio information into a programmable electronic device.

**[008]** It is a further object of the present invention to provide an apparatus that allows a user to program user-defined video information into a programmable electronic device.

5 **[009]** These and other objects of the present invention are accomplished by providing methods apparatuses that allow a user to program user-defined information into his or her electronic device. In one embodiment of the present invention, the programming apparatus includes processing circuitry and first and second communications links. In operation, a user selects a piece of information from a source such as a computer disk drive, the Internet, or a remote database using the first communications link. The programming apparatus may download this information and compare its format with that required by the programmable device to determine format compatibility. If the two formats are compatible, the programming apparatus may download the selected information into the programmable device. If 15 the formats are not compatible, the programming apparatus may convert the downloaded file to a format compatible with that required by the programmable electronic device. The programming apparatus may also provide the user with an opportunity to edit the converted file. Once editing is complete, the resulting file may then be programmed 20 into the programmable device for subsequent use.

**[010]** In another aspect of the invention, a user may send customized information such as an audio or video file called a "signature" when placing a telephone call. This feature allows a user to select and send a signature 25 file to the person receiving the telephone call such that the person receiving the call is alerted by that file.

Brief Description Of The Drawings

**[011]** The above and other objects and advantages of the present invention will be apparent upon consideration of the following detailed description, taken in conjunction with the accompanying drawings, in which like reference characters refer to like parts throughout, and in which:

**[012]** FIG. 1 is a generalized block diagram of a system for programming user-defined information into an electronic device in accordance with one embodiment of the present invention.

**[013]** FIG. 2 is a schematic diagram of a programmer constructed in accordance with one possible embodiment of the present invention.

**[014]** FIG. 3 shows a computer based implementation of a programmer constructed in accordance with one embodiment of the present invention.

**[015]** FIG. 4a shows an alternate embodiment of a computer based implementation of a programmer constructed in accordance with the principles of the present invention.

**[016]** FIG. 4b shows an alternate network embodiment of the computer based implementation in shown in FIG. 4a.

**[017]** FIG. 5 illustrates an imbedded implementation of the programmer shown in FIG. 2.

**[018]** FIG. 6 shows yet another embodiment of a computer based implementation the programmer in shown in FIG. 4b.

**[019]** FIG. 7 is a schematic diagram of one possible embodiment of a wireless telephone that can receive and play user-defined audio in accordance with one aspect of the present invention.

**[020]** FIGS. 8-9 show a flow chart illustrating some of the steps involved in programming user-defined

information into an electronic device in accordance with one embodiment of the present invention.

**[021]** FIGS. 10-12 show a flow chart illustrating some of the steps involved in sending and receiving signature information in accordance with one embodiment of the present invention.

#### Detailed Description of the Invention

**[022]** FIG. 1 shows a block diagram of a system 10 for programming user-defined information (e.g., audio, video, or Internet access information, etc.) into an electronic device in accordance with one embodiment of the present invention. As shown in FIG. 1, system 10 generally includes a programmable electronic device 20, a device programmer 30, and a source 50. Programmer 30 is connected to source 50 via link 31, and to device 20 via link 32.

**[023]** Programmable device 20 may be any portable electronic device (e.g., a wireless telephone, a pager, a handheld computer, personal digital assistant (PDA), etc.). Device 20 may also be any device which integrates some or all of the functions of such devices into one device. For example, device 20 may be a PDA capable of making wireless telephone calls, a PDA with paging functions, a wireless telephone with some PDA or paging functions, a handheld or notebook computer with some or all of the functions of a PDA, a pager, and a telephone, etc.

**[024]** In FIG. 1, links 31 and 32 may be, for example, communications links (e.g., serial ports, parallel ports, universal serial buses (USB), RS232, GPIB, etc.), modems (e.g., any suitable analog or digital modems, cellular modems, or cable modems), a network interface link (e.g., Ethernet links, token ring links, etc.), wireless

communications links (e.g., cellular telephone links, wireless Internet links, infrared links, etc.), or any other suitable hard-wired or wireless Internet or communications links.

5 [025] Source 50 may be any device or combination of devices suitable for providing user-defined information to programmer 30 (e.g., the Internet, an optical disc player (CD, DVD), a cassette player, a VCR, a digital camera, or any suitable storage device containing  
10 computer programs or files, etc.).

[026] In operation, a user may choose certain information, such as Internet configuration information, an audio sample of a popular song, a video clip or frame, etc., that is available from source 50 and transfer it to  
15 programmer 30. Programmer 30 may then process this information into a suitable format (or may simply route the information if no format conversion is required), and program it into a programmable memory within device 20 (not shown). Device 20 may then retrieve this  
20 information when a certain event occurs (e.g., when receiving an incoming telephone call, browsing the Internet, or when programmed to do so by a user, etc.).

[027] Programmer 30 may also coordinate or perform certain functions related to the routing and storing of  
25 information within device 20. For example, programmer 30 may communicate with (or simply search) device 20 to find available memory locations in which to store the user-defined information. Programmer 30 may also communicate with device 20 to determine which format the incoming  
30 information should be converted to so that the information is compatible with the downloading requirements of device 20. For audio files, this may include, but is not limited to, converting to or from any of the following format types: analog; MIDI; MPEG; PCM;  
35 Windows Media Audio Code (WMA); WAV; or Adaptive

Transform Acoustic Coding (ATRAC), or to or from any other suitable audio format, etc. For video files, this may include, but is not limited to, converting to or from any of the following format types: analog; JPEG; MPEG; GIF; AVI, or to or from any other suitable video format, etc. Text files may include, for example, HTML files, Wireless Markup Language (WML) files, WordPerfect™ files, Microsoft Office™ files, or any other suitable text files.

10 [028] If multiple blocks of information are being programmed into device 20, programmer 30 may "tag" the different blocks so that device 20 and/or a user may distinguish among the different blocks stored therein. After the information has been provided, programmer 30  
15 may communicate with device 20 to confirm that the information has been correctly received.

[029] A more detailed diagram of one possible embodiment of programmer 30 is illustrated in FIG. 2. As illustrated, programmer 30 may include a transducer 25, a  
20 processor 34, a programmable memory 36, an analog-to-digital (A/D) converter 38, signal processing circuitry (SPC) 40, an output buffer 42, and an input buffer 44. Generally speaking, processor 40 controls the operation of programmer 30. Programmer 30 may be configured to  
25 receive and process both analog and digital signals. It may also acquire acoustic signals via transducer 25 (if installed).

[030] In operation, programmer 30 may download certain user-selected information from source 50 via link  
30 31. This information, such as audio or video files, in the form of electronic signals, may be received from link 31 and directed to input buffer 44. As mentioned above, these signals may need to be processed in order to be compatible with the format required by programmable  
35 device 20. For example, if analog input signals are

received at input buffer 44 and device 20 requires a digital format, the analog signals may be routed to A/D converter 38 for conversion into a suitable digital form (e.g., into PCM, PAM, etc.). Further processing into another digital format (e.g., MP3, ATRAC, WMA, etc.) may be accomplished by routing the converted signals to SPC 40 or processor 34 (discussed in more detail below). On the other hand, if digital input signals are received at input buffer 44 and device 20 requires analog signals, the digital signals may be routed to SPC 40 or to a dedicated digital-to-analog (D/A) converter (not shown) for conversion to the analog domain.

**[031]** Processor 34 may route incoming signals from source 50 to memory 36, SPC 40, or directly to output buffer 42 depending on the circumstances. For example, some or all of the input signals received from source 50 may require further processing to meet the downloading specifications of device 20. In this case, the incoming signals that require processing may be routed to SPC 40 for such processing. For example, incoming MP3 or WMA signals may be routed to SPC 40 and converted to ATRAC format (or vice-versa). Once this conversion is complete, the resulting information may be stored in memory 36, or routed to output buffer 42 for programming in device 20. Input signals that do not require a format change may be routed directly from input buffer 44 to memory 36, or output buffer 42. Although not shown in FIG. 2, programmer 30 preferably has a display screen and a data input device, such as a keyboard associated with it so that a user may, among other things, browse and select files, monitor file transfers, and ensure that device 20 has properly received the selected files.

**[032]** In one embodiment of the present invention, SPC 40 may be programmable so that the conversion and processing protocols contained therein may be

periodically updated. Furthermore, in some embodiments, processor 34 may be programmed via software routines in programmable memory 36 to perform some or all of the functions of SPC 40. In this case, an SPC of reduced  
5 processing capacity may be used or SPC 40 may be removed altogether from programmer 30.

**[033]** Audio signals may also be acquired and processed by programmer 30. Transducer 25 may acquire an acoustic signal from a stereo or other audio source and  
10 convert it to an electrical signal. This electrical signal may then be processed in a way similar to the way the above-described analog signal was processed. That is, the electrical signal may be routed to A/D converter 38 and/or SPC 40 and then stored in memory 36 or output  
15 buffer 42, for example.

**[034]** It will be understood that the generalized system shown in FIG. 1 may be implemented in many ways. For example, as shown in FIG. 3, system 100 may be implemented using a computer-based architecture. In this  
20 case, some or all of programmer 30 may be installed in or connected to a computer, such as a personal computer. For example, in FIG. 3, programmer 30 may be installed in an expansion slot and connected to an interface bus such as an ISA or PCI bus (not shown) in computer 60. In this  
25 configuration, programmer 30 may receive user-defined information via the interface bus in computer 60 and operate as described above with the interface bus acting as part of link 31. Some or all of programmer 30 may also be external to computer 60 and connected to it via a  
30 link similar to link 31 (not shown). Furthermore, in certain embodiments, some of the functions of programmer 30 may be distributed between computer 60 and programmer 30. For example, programmer 30 may be constructed such that it partially or fully relies on the  
35 processing capability of computer 60. In this type of



embodiment, programmer 30 may be constructed without processor 34 or with a processor of reduced capacity. Programmer 30 may also be constructed such that it partially or fully relies on the memory capacity of computer 60. Moreover, signal processing functions such as those performed by SPC 40 could also be fully or partially carried out by circuitry or software resident within computer 60.

**[035]** As shown in FIG. 3, computer 60 may be connected to Internet 80 through link 70. Link 70 may be, for example, a modem (e.g., any suitable analog or digital modem, cellular modem, or cable modem), a network interface link (e.g., an Ethernet link, token ring link, etc.), a wireless communications link (e.g., a wireless telephone link, a wireless Internet link, an infrared link, etc.), or any other suitable hard-wired or wireless communications link. With this configuration, a user may download information from Internet 80 (e.g., using electronic distribution (ED) services) and/or from a disc drive or other devices (not shown) connected to computer 60 and program that information into device 20 (via programmer 30 and link 32).

**[036]** It will be understood, of course, that computer 60, with a suitable communications link, such as link 32, may be programmed with software to function as programmer 30. In this way, a user may take advantage of the fact that many of the components of programmer 30 are resident within computer 60. For example, computer 60 may contain a processor, such as processor 34 and programmable memory circuitry such as memory 36. Computer 60 may also include signal processing circuitry such as SPC 40, or software that instructs processor 34 to perform the necessary format conversions. Computer 60 may include circuitry similar to input buffer 44 and output buffer 42. Such circuitry may include random

access memory (RAM) or cache memory in computer 60. Computer 60 also may include internal or external A/D conversion circuitry, such as A/D converter 38, and an internal or external transducer 25.

5     **[037]**       As shown in FIG. 4a, computer 60, programmed to function as programmer 30, may be connected to Internet 80 through link 70 and to device 20 through link 32. This arrangement allows a user to select information from Internet 80 or from a storage device  
10    connected to computer 30 (not shown) for programming into device 20.

**[038]**       Using the generalized system shown in FIG. 4a, user-defined information may be programmed into device 20 in many ways. For example, computer 60 may be part of a  
15    communications network 95, such as a telephone network, that provides Internet and/or telephone access to programmable device 20 (shown in FIG 4b). Communications network 95 may be provide hard-wired or wireless telephone or Internet access (or combination of the two).  
20    This arrangement is generally illustrated in FIG. 4b as architecture 200, in which computer 90, for the sake of clarity, represents computer 60, configured at least in part, to function as programmer 30.

**[039]**       With this configuration, a user of device 20  
25    may access Internet 80 and select information for downloading into device 20. It will be understood, however, that in this implementation, at least a portion of computer 90 is configured to function as programmer 30, and that computer 90 may continue to perform other  
30    functions such as communicating with network computers 82, communicating with Internet 80, interfacing with external telephone network 84, and coordinating wireless Internet and telephone access etc., in addition to performing some or all of the above-described programming  
35    functions.

**[040]** In operation, computer 90 may communicate with device 20 to determine its format requirements and perform any conversions necessary to make user-selected information compatible with those requirements. This  
5 allows a user to select information, such as audio and/or video, that is available on the Internet or on a remote network computer, and program that information into device 20. This may be accomplished via communications link 33 (which may be any type of link previously  
10 described as suitable for link 32). For example, a user may wish to download video images from an Internet site to a hand-held computer, such as a PDA, or to a wireless telephone. The user may communicate with computer 90 via a wireless link 33 and select information from  
15 Internet 80 using an Internet browser installed in device 20. Such a browser may be a Wireless Application Protocol (WAP) compliant browser for supporting wireless Internet services. Computer 90 ensures format compatibility of the information, transmits the  
20 information to device 20, and may communicate with device 20 to confirm that the selected information has been properly received. Device 20 may provide a visual, audio, or tactile output to indicate the requested information has been successfully received.

**[041]** Computer 90 may also coordinate information  
25 downloading with respect to the memory capacity of device 20. For example, if the user-selected information exceeds the available memory of device 20, computer 90 may inform the user, via link 33, that the selected  
30 information is larger than the available memory. In such an event, the user may be prompted to cancel or modify the information request. In certain instances, however, the user may instruct computer 90 to provide the information in a "scrolling" fashion (*i.e.*, provide it in  
35 portions) so that all the requested information may be

reviewed, albeit in sections. This may be particularly desirable in instances where large files, such as video files, are requested.

**[042]** In some embodiments of the present invention, computer 90 may simply contact a remote computer or Internet site to fulfill requests for audio or video information in a particular format. Such web sites or remote computers may act as virtual "jukeboxes" of video and audio information, containing extensive lists of such information in a variety of formats available for downloading. Using this approach, a user may select a particular piece of information in a certain format from a list displayed on a screen of programmable device 20. Computer 90 may receive this as a request via link 33 and handle the information transfer to device 20. In some embodiments, format selection may be transparent to the user. That is, the user may simply request a piece of information and computer 90 may determine and then request information in a format appropriate for the requesting device.

**[043]** In another embodiment, a remote computer or Internet site may perform a format conversion of information requested by computer 90 or device 20. For example, a user may access an Internet site or remote computer using communications network 95 and enter a title or description of the desired audio or video information along with format requirements. The remote computer or Internet site may then search the Internet or other databases to find a file that matches the user's description. Once this file is found, the Internet site or remote computer may convert that file to the requested format, (using a system similar to the described above) and provide it to device 20 via computer 90 and/or link 33. It will be understood, of course, that

embodiments such as these are within the scope of the present invention.

**[044]** If desired, a user may also employ the systems shown in FIGS. 4a and 4b to download remotely stored information such as Internet access information to device 20. For example, a user may have customized bookmarks or web page addresses stored in a remote personal computer or on Internet 80. The user may employ wireless link 32 or 33 to contact that remote computer or Internet site and then download the Internet access information for use in device 20. This feature is desirable because it relieves the user of the burden of having to type in complicated Internet access information from the small keyboard of a wireless telephone or hand-held computer. It also spares the user from having to re-enter customized Internet information that is already present in another location, into their electronic device. Moreover, such a feature is convenient when a user wishes to access information on a remote computer that is not currently available in device 20. For example, a user may wish to view spreadsheet information stored on a remote computer with device 20. Rather than having to download this information from a hard-wired access point, a user may simply employ wireless link 33 (e.g., a wireless modem or Internet connection) to access that remote computer or Internet site and download that information to device 20.

**[045]** Another feature which may be implemented using the embodiments shown in FIGS. 4a and 4b is a "signature" feature. This allows device 20 to send user-defined information, which may be indicative of the user's personal taste or identity, along with other information when performing certain functions. For example, if a user is placing a wireless telephone call or paging someone with device 20, he or she may select the

signature feature in order to send user-defined audio or video along with, or prior to, that call. A user may accomplish this by browsing through a menu on device 20 that displays available signature options, and by  
5 choosing a particular file (not shown). If the user chooses an audio file, for example, device 20 may send that selected audio file when a call or page is placed (or a period of time before the call or page is placed). This audio file may temporarily replace the "ring  
10 sequence" of the device receiving the incoming call so that the person receiving the incoming call will be alerted by hearing the audio file sent by the caller. The person receiving the call may be able to discern the identity of the caller or other information from the  
15 audio file. After the call is complete, the ring sequence of the receiving device may be returned to its former configuration (either by computer 60 or by the receiving device).

**[046]** In another embodiment, a user may program  
20 certain audio or video files into device 20 that are activated when a certain person calls. For example, a user may program device 20 so that certain signature files are played in response to receiving a  
25 characteristic indicative of the caller, such as the caller's telephone number. In this way, a user will be able to identify the caller by the sound and/or display generated by device 20. Users may also program  
30 signatures in device 20 to be played at predetermined times. For example, a user (or caller) may program "Happy Birthday" or "Jingle Bells" into device 20 to play on a certain day, or may program device 20 to play a  
certain signature file at specified time (e.g., as an alarm).

**[047]** In yet another embodiment, a user, when placing  
35 a call, may invoke a menu on device 20, which displays a

list of signature files available for the person being called. This list may be defined by the person receiving the call. For example, the person receiving the call may create a signature file list by selecting certain audio and/or video files and placing them in a database of a remote computer such as computer 90 by using, for example, a personal computer connected to the Internet. In some embodiments, signature files may also be stored in a device 20 of the person receiving the call. In this implementation, a list of signature file names may be stored in computer 90 so that a caller may browse the names of signature files stored in the device of the person receiving the call. Signature files may also be stored in a combination of both computer 90 and device 20.

**[048]** In some embodiments, the signature information may not necessarily be user-defined. For example, a list of pre-selected signature files may be stored on computer 90 or a remote computer from which a user of device 20 may choose. Such a list may be created by a wireless service provider, an Internet provider, an Internet site, or a manufacturer of the wireless telephone.

**[049]** With these implementations, the caller may simply select a signature file from the displayed list. The selected file is then sent along with the call by computer 90 (if the selected signature file is stored in computer 90) or associated with the incoming call at device 20 (if the selected signature file is stored in device 20). In some embodiments, the caller may be able to preview signatures before sending them. For example, computer 90 may send the selected signature file to the caller for his or her review.

**[050]** In systems that have a video capability, a video file containing a video clip or frame may be sent instead of or in addition to the audio sample. This may

be accomplished by selecting a video option from a signature menu and choosing a video file. In this case, the person receiving the call is alerted by seeing or hearing the video clip and/or associated audio. It will be appreciated that a video clip may have its own audio portion associated with it so that the video clip (or frame) by itself would be sufficient to alert the person receiving the incoming call.

**[051]** The above-described signature feature may be implemented in many ways. In some embodiments, for example, the audio or video signatures may be stored in (the caller's) device 20 and sent along with the outgoing call or page via link 33 and computer 90. In other embodiments, however, the signature information may be stored in computer 90 and associated with the outgoing call when it is processed by computer 90. This type of embodiment may be implemented when it is desired to conserve memory space within device 20. In still other embodiments, signature information may be stored in both device 20 and computer 90. In any case, computer 90 may determine the format requirements of the device receiving the incoming call or page and convert the accompanying signature information into a suitable format.

**[052]** Another implementation of a system in accordance with this invention may use an architecture 300, which is shown in FIG. 5. Using this arrangement, programmer 30 (or similar circuitry) may be embedded within programmable device 20. User-defined information may be provided to device 20 from source 50 via link 32. Such information may be routed to programmer 30, which may perform some or all of the above-described functions.

**[053]** If source 50 is an acoustic source, however, link 32 may not be needed. For example, if a user desires to program an acoustic sound into device 20, the user may place a transducer 25, (e.g., a speaker/



microphone existing within or external to device 20) near the acoustic signal source, place device 20 into an "acquisition mode," and record an audio sample. In this case, transducer 25 converts the acoustic signal into an electrical signal, which is provided to programmer 30 for processing and possibly storage within device 20. A visual, audio, or tactile output may be provided by device 20 to indicate a sample has been successfully loaded. A user may employ transducer 25 to acquire and record, for example, a verbal message or sound effect (e.g., laughter, crying, sneezing, etc.) for use as a signature file.

**[054]** Other embodiments of the present invention may use the embedded architecture of system 400 as shown in FIG. 6. Using this arrangement, user-defined information may be requested by device 20 via link 32 and computer 60. With this approach, a user may select information from Internet 80 or a remote computer and perform any necessary format conversion within device 20.

**[055]** In addition to selecting user-defined information with programmer 30, a user may customize that information by performing various editing procedures. For example, a user may find an audio track or video clip that suits his or her taste. It may be desired, however, to utilize only a portion of that track or clip. In this case, a user may edit or "sample" a portion of the information to obtain the desired segment. For example, a user may wish to sample a few bars of a popular song and send it along as signature information when making a wireless telephone call. Such editing may be accomplished, for example, by using an application program with programmer 30 or by using known software with computer 60. Furthermore, once the user has edited a particular piece of information, he or she may be given the option to review the piece to ensure it is

acceptable. When a user is satisfied with an edited segment, he or she may save it and be given an opportunity to "name" that segment, so that it may be readily identified later by a user of device 20.

5    **[056]**       It will be appreciated that various other types of editing procedures are also possible. For example, a user may combine and/or further edit the content of segments of information. This may be accomplished using "cut and paste" routines in an application program.  
10 Other types of revisions may include modifying the color or content of a portion of video clip or frame, as well as editing the audio track that accompanies a video clip or frame. It may also include revising or combining audio segments or creating customized audio segments to  
15 accompany video clips or frames.

**[057]**       In some instances, a user may wish to download large portions of copyrighted audio or video. To prevent improper usage of such material, programmer 30 may include copyright protection software such as software  
20 that conforms with the Secure Digital Music Initiative (SDMI). Generally speaking, this may allow an owner of such material to "check out" a finite number of copies so that unauthorized distribution is prevented.

**[058]**       A schematic diagram of a portion of a wireless  
25 telephone 500 that can receive and play user-defined audio and/or video is shown in FIG. 7. As illustrated in FIG. 7, telephone 500 may include antenna 510, receiver/transmitter (R/T) circuit 520, processor 530, communications interface 532, speaker/transducer 540,  
30 alerting circuit 550, and optionally, programmer 30 (or similar circuitry).

**[059]**       A user may program information into telephone 500 in several ways. For example, a user may connect telephone 500 to an external programmer 30 (not shown in  
35 FIG. 7) via link 32 to program user-defined audio or

video in telephone 500 as described above. Processor 530 may route this information to alerting circuit 550 for storage and subsequent use. Afterwards, the user may configure telephone 500 to play a certain user-defined audio file stored in alerting circuit 550 when receiving an incoming call. Thus, when a call is received, processor 530 may instruct alerting circuit 550 to play the selected file through speaker 540. If a video file is chosen, processor 530 may instruct alerting circuit 550 to play the user-selected video file through a display screen on the telephone (not shown). Alerting circuit 550 may include programmable memory circuitry for storing user-defined information and driver circuitry (not shown) for driving speaker 540 and/or a display screen on telephone 500.

**[060]** Telephone 500 may also receive user-defined information from communications network 95 via link 33 and antenna 510. With this implementation, user defined information, such as a signature file, may be received by antenna 510 and demodulated with R/T circuit 520. Processor 530 may then route the demodulated signals to an appropriate location. In the case of a signature file, for example, processor 530 may check the format of the incoming file to ensure it is compatible with the format required by alerting circuit 550. If the format is compatible, the incoming file may be routed to alerting 550 for storage and subsequent use or to speaker 540 for immediate playing. If the format is not compatible, the incoming file may be routed to programmer 30 for conversion. After conversion is complete, processor 530 may instruct programmer 30 to route the converted file to speaker 540 or alerting circuit 550. If a video file was sent as a signature file, processor 530 may instruct alerting circuit 550 to

play the user-selected video file through a display in telephone 500 (not shown). In some embodiments, speaker 540 may be an enhanced performance speaker (as compared to those currently installed in telephones) with a capacity for generating a full range of audio sounds. Moreover, it will be understood that circuitry similar to that shown in FIG. 7 may be installed for use in other communication devices such as PDA's, pagers, notebook computers, etc.

10 **[061]** Some of the steps involved in programming user-defined information into programmable device 20 as described herein are illustrated in the flow chart of FIGS. 8-9. It will be understood that although programmer 30 is used in the following description, 15 computer/programmer 90 may also perform some or all of these (or similar) steps.

**[062]** At step 100 in FIG. 8, programmer 30 allows the user to browse information for potential programming into device 20. As mentioned above, this may include browsing 20 audio/video information on the Internet, or on a hard, floppy, or optical disc drive of a computer. At step 102, the user may choose certain files for programming into device 20. Next, at step 104, programmer 30 may determine the format requirements of 25 device 20 and compare the format of the selected files to that specified by device 20. This may be accomplished, for example, by electronically polling device 20. At step 105, if the formats are compatible, programmer 30 may go directly to step 108. If the formats are not 30 compatible, at step 106, programmer 30 may convert the selected files to a format compatible with device 20. In some embodiments, the user may be prompted to confirm that the conversion should be performed. In addition, programmer 30 may also prompt the user to supply a name 35 for the converted file. Moreover, if the selected file

cannot be converted, programmer 30 may so inform the user.

**[063]** Next, programmer 30 provides the user with an option of editing the contents of the resulting files at step 108. If desired, the user may first review the converted file to determine if editing is warranted. At step 109, if the user chooses not to edit the file, programmer 30 may go directly to step 112 (shown in FIG. 9). If the user decides to edit the file, he or she may do so at step 110. When finished editing, the user may be given the option of reviewing the file at step 111 by returning to step 108 to determine whether the file is acceptable or requires further revision. Programmer 30 may alternate between steps 108-110 until the user is satisfied with the resulting file. When editing is complete, programmer 30 provides the user with the option of programming the file into device 20 at step 112. At this point, (step 113) the user may exit the program at step 114 or return to step 100 to browse more information.

**[064]** It will be understood that these steps are merely illustrative, and are not meant to be comprehensive or necessarily performed in the order shown. For example, it may be desired to edit a file already stored in device 20. In this case, a user may bypass steps 100-106 and go directly to step 108. In some embodiments, selected files may be revised before converting them to format compatible with device 20. This may be desirable when the file's original format facilitates the editing process. In addition, programmer 30 may determine the format requirements of device 20 at any time before the conversion occurs. A user may also name or revise the name of a selected file at any time.

**[065]** Some of the steps involved in sending signature files to programmable device 20 as described herein are illustrated in the flow chart of FIGS. 10-12.

**[066]** At step 150 in FIG. 10, device 20 allows the user to browse signature files for potential transmission to device 20 of the person receiving the call (hereinafter the "receiver"). At step 150, the user may be provided with option of creating a new signature file if a suitable signature file not found on the list. At step 154 the user may select a signature file. Once a signature file is selected, computer 90, at step 156, may determine the location of the selected signature file. Such locations may include, but are not limited to, the caller's device 20, the receiver's device 20, or computer 90.

**[067]** If computer 90 determines that the signature file is located in the user's device 20 (i.e., the caller's device 20) computer 90 may retrieve that file from the user's device 20 at step 158. Next, computer 90 may compare the format requirements of the receiver's device 20 with the format of the retrieved file to determine if they are compatible at step 160. If the formats are compatible, computer 90 may go directly to step 164. If the formats are not compatible, computer 90 may convert the signature file to an acceptable format at step 162. At step 164, the signature file may be sent along with, or somewhat before, the outgoing call. At step 166, the receiver's device 20 may replace its ring sequence with the signature file and play the signature file. At step 167, the receiver's ring sequence may be returned to its original setting and the program may exit.

**[068]** If, however, the signature file is located in computer 90 (step 156), computer 90 may retrieve that file at step 168 (FIG. 11). Next, computer 90 may

compare the format requirements of the receiver's device 20 with the format of the retrieved file to determine if they are compatible at step 170. If the formats are compatible, computer 90 may go directly to step 174. If the formats are not compatible, computer 90 may convert the signature file to an acceptable format at step 172. At step 174, the signature file may be sent along with, or somewhat before, the outgoing call. At step 176, the receiver's device 20 may replace its ring sequence with the signature file and play the signature file. At step 177 the receiver's ring sequence may return to its original setting and the program may exit.

**[069]** On the other hand, if computer 90 determines at step 156 that the signature file is located in the receiver's device 20, computer 90 may transmit an indicia indicative of the selected file to the receiver's device 20 along with the outgoing call at step 178 (FIG. 12). Next, the receiver's device 20 may associate a signature file that corresponds to the indicia, replace its ring sequence with that signature file, and play that signature file at step 180. At step 182, the receiver's ring sequence may be returned to its original setting and the program may exit. It is assumed for the purposes of this illustration that signatures files stored in the receiver's device 20 are already in a suitable format. However, if this is not the case, a conversion step may be added between step 178 and step 180 (not shown).

**[070]** It will be understood that these steps are merely illustrative, and are not meant to be comprehensive or necessarily performed in the order shown. For example, computer 90 may determine the format requirements of device 20 at any time before the conversion occurs.

**[071]** Thus, it is seen that a device for programming user-defined information into an electronic device is

provided. The programmer allows a user to program customized information, such as audio, video, or Internet access information into his or programmable device. This allows a user to, among other things, customize his or her device to suit the user's particular taste. It will be understood that the foregoing is only illustrative of the principles of the invention, and that various modifications can be made by those skilled in the art without departing from the scope and spirit of the invention. For example, it is not necessary that programmable memory within device be a fixed programmable memory. That is, a removable memory module may be programmed externally from a given programmable device and subsequently installed in that device. Furthermore, the many aspects of the invention are suitable for use with hard-wired, cordless, or wireless communications devices. For example, user-defined audio and video and signature files may be used with hard-wired or cordless telephone systems. Accordingly, such embodiments will be recognized as within the scope of the present invention.

**[072]** Persons skilled in the art will appreciate that the present invention can be practiced by other than the described embodiments, which are presented for purposes of illustration rather than of limitation, and the present invention is limited only by the claims which follow.



I Claim:

1. A wireless telephone that may be customized by programming an audio file into the wireless telephone for use at a time specified by a user of the wireless telephone, the telephone comprising:

means for connecting to a remote database that includes a plurality of lists of polyphonic audio files;

means for browsing at least one of the lists of polyphonic audio files;

means for selecting at least one of the polyphonic audio files from the browsed list;

means for optionally reviewing the selected polyphonic audio file before downloading the selected polyphonic audio into a memory circuit in the wireless telephone; and

means for downloading the selected polyphonic audio file for use at the time specified by the user of the wireless telephone.

2. The wireless telephone of claim 1, further comprising means for searching the remote database for a certain desired polyphonic audio file using title or description information to aid in locating the desired polyphonic audio file.

3. The wireless telephone of claim 2, wherein the searching further comprises means for searching the Internet or other remote databases for the desired polyphonic audio file.

4. The wireless telephone of claim 1, further comprising means for providing a visual indication on a display screen of the wireless telephone to confirm the selected polyphonic audio file has been successfully downloaded.

5. The wireless telephone of claim 1, wherein the browsing of polyphonic audio files is accomplished at least in part using a Wireless Application Protocol (WAP) compliant system.

6. The wireless telephone of claim 1, further comprising means for preventing unauthorized distribution of the selected polyphonic audio file stored in the programmable memory circuit.

7. A wireless telephone that may be customized by programming an audio file into the wireless telephone for use as an indicia of an incoming communication, the telephone comprising:

means for connecting to a remote database that includes a plurality of audio files;

means for selecting at least one of the audio files from the database;

means for downloading and storing the selected audio file for use as an indicia of an incoming communication; and

means for preventing the unauthorized distribution of a selected audio file stored in the wireless telephone.

8. The wireless telephone of claim 7, further comprising means for indicating that a memory capacity of the wireless telephone has been exceeded if the size of the audio file to be downloaded is larger than available memory space in the wireless telephone.

9. The wireless telephone of claim 7, wherein the selected audio file is a polyphonic audio file.

10. A telephone that may be customized by searching for and selecting an audio file from a remote computer and programming the selected audio file into the telephone for use at a time specified by the user, the telephone comprising:

a communications link capable of connecting to a database in the remote computer that includes a plurality of polyphonic audio files;

a display screen and a browsing application program that allows a user of the telephone to browse the polyphonic audio files and select at least one polyphonic audio file therefrom;

processing circuitry configured to supervise receipt of a selected polyphonic audio file from the communications link;

a programmable memory circuit for allowing the user to optionally store the selected polyphonic audio file for use at a time the specified by the user; and

an enhanced performance speaker capable of providing a substantially full range of audio sounds from the selected polyphonic audio file when the selected polyphonic audio file is played.

11. A system for providing a polyphonic audio file to a wireless telephone for use as an indicia of an incoming communication, the system comprising:

a remote computer with access to a database of polyphonic audio files suitable for downloading to the wireless telephone wherein the remote computer is configured to:

provide a list of polyphonic audio files in the database to a user of the wireless telephone when the user requests the list of polyphonic audio files;

allow the user of the wireless telephone to browse the list of polyphonic audio files;

allow the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files; and

allow the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication;

wherein the system is configured to confirm the selected polyphonic audio file has been properly received by the wireless telephone.

12. The system of claim 11, wherein the remote computer is further configured to allow the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

13. The system of claim 11, further configured to allow the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

14. The system of claim 13, further configured to provide the user of the wireless telephone with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

15. The system of claim 15, further configured to provide the user of the wireless telephone with the option of editing the selected polyphonic audio file before programming the selected polyphonic audio file into the programmable memory in the wireless telephone.

16. The system of claim 11, wherein the remote computer is further configured to provide a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

17. The system of claim 11, wherein the database is configured to include polyphonic audio files selected from the group comprising MP3, MPEG, or WAV files.

18. The system of claim 11, wherein the database is configured to include polyphonic MIDI audio files.

19. The system of claim 11, configured to provide copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

20. The system of claim 11, further configured to coordinate downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

21. A method for providing a polyphonic audio file to a wireless telephone for use as an indicia of an incoming communication, the method comprising:

providing a database of polyphonic audio files suitable for downloading to the wireless telephone;

providing a list of polyphonic audio files in the database to a user of the wireless telephone when the user requests the list of polyphonic audio files;

allowing the user of the wireless telephone to browse the list of polyphonic audio files;

allowing the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files;

allowing the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication; and

confirming the selected polyphonic audio file has been properly received.

22. The method of claim 21, further comprising allowing the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

23. The method of claim 21, further comprising allowing the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

24. The method of claim 23, further comprising providing the user of the wireless telephone to with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

25. The method of claim 24, further comprising providing the user of the wireless telephone with the option of editing the selected polyphonic audio file before programming the selected polyphonic audio file into the programmable memory in the wireless telephone.

26. The method of claim 21, further comprising providing a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

27. The method of claim 21, further comprising storing polyphonic audio files in the database including those selected from the group comprising MP3, MPEG, or WAV files.

28. The method of claim 21, further comprising storing polyphonic audio files in the database including polyphonic MIDI audio files.

29. The method of claim 21, further comprising providing copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

30. The method of claim 21, further comprising coordinating downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

31. An Internet site that allows a user of a wireless telephone to browse and select a polyphonic audio file that may be downloaded into a wireless telephone for use as an indicia of an incoming communication, the Internet site comprising:

a database of polyphonic audio files suitable for downloading to the wireless telephone wherein the Internet site is configured to:

provide a list of polyphonic audio files in the database to the user of the wireless telephone when the user of the wireless telephone requests the list of polyphonic audio files;

allow the user of the wireless telephone to browse the list of polyphonic audio files;



allow the user of the wireless telephone to select a desired polyphonic audio file from the list of polyphonic audio files; and

allow the user of the wireless telephone to optionally download a selected polyphonic audio file into the wireless telephone for future use as an indicia of an incoming communication.

32. The Internet site of claim 31, configured to operate in conjunction with a distribution computer to confirm the selected polyphonic audio file has been properly received by the wireless telephone.

33. The Internet site of claim 31, further configured to allow the user of the wireless telephone to search the database of polyphonic audio files for a certain polyphonic audio file using title or description information.

34. The Internet site of claim 31, further configured to operate in conjunction with a distribution computer to allow the user of the wireless telephone to review the selected polyphonic audio file before downloading the selected polyphonic audio file into a programmable memory in the wireless telephone.

35. The Internet site of claim 34, further configured to operate in conjunction with a distribution computer to provide the user of the wireless telephone with the option of downloading the selected polyphonic audio file into a programmable memory in the wireless telephone after reviewing the selected polyphonic audio file.

36. The Internet site of claim 31, further configured to provide a plurality of lists of polyphonic audio files for browsing by the user of the wireless telephone.

37. The Internet site of claim 31, wherein the database is configured to include polyphonic audio files selected from the group comprising MP3, MPEG, or WAV files.

38. The Internet site of claim 31, wherein the database is configured to include polyphonic MIDI audio files.

39. The Internet site of claim 31, configured to operate in conjunction with a distribution computer to provide copyright protection for the database of polyphonic audio files to help prevent unauthorized distribution of polyphonic audio files downloaded by the user of the wireless telephone.

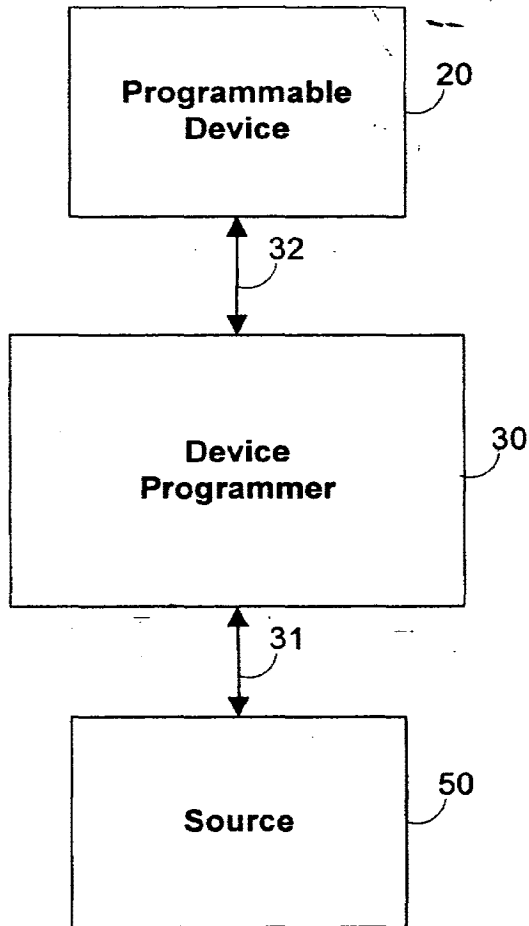
40. The Internet site of claim 31, configured to operate in conjunction with a distribution computer to coordinate downloading of the selected polyphonic audio file such that the user of the wireless telephone is informed when the wireless telephone has insufficient available memory capacity to successfully download the selected polyphonic audio file.

METHODS AND APPARATUS FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

Abstract of the Invention

A device for programming user-defined  
5 information into an electronic device is provided. The  
programmer allows a user to program customized  
information, such as user-selected audio, video, or  
Internet access information into his or her programmable  
device. Such electronic devices include wireless  
10 telephones, pagers, and personal digital assistants. The  
programmer allows a user to, among other things,  
customize the device to suit his or her particular taste.

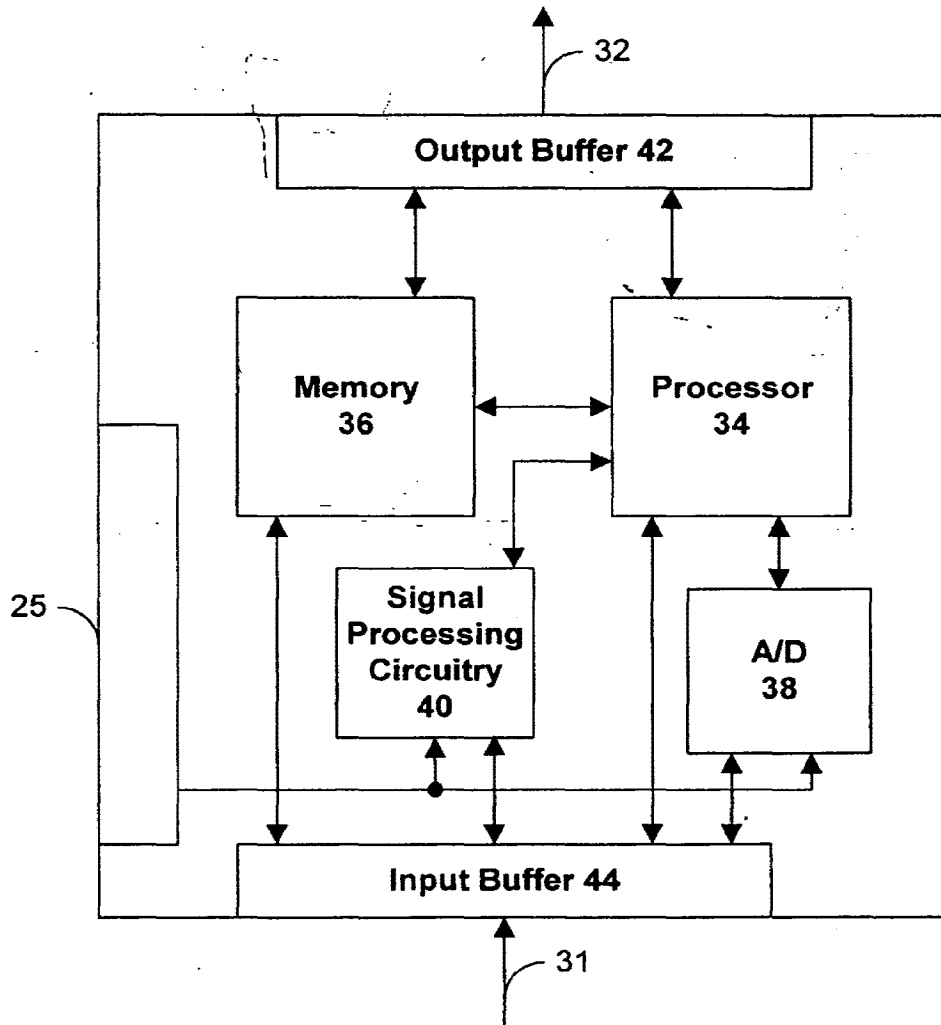
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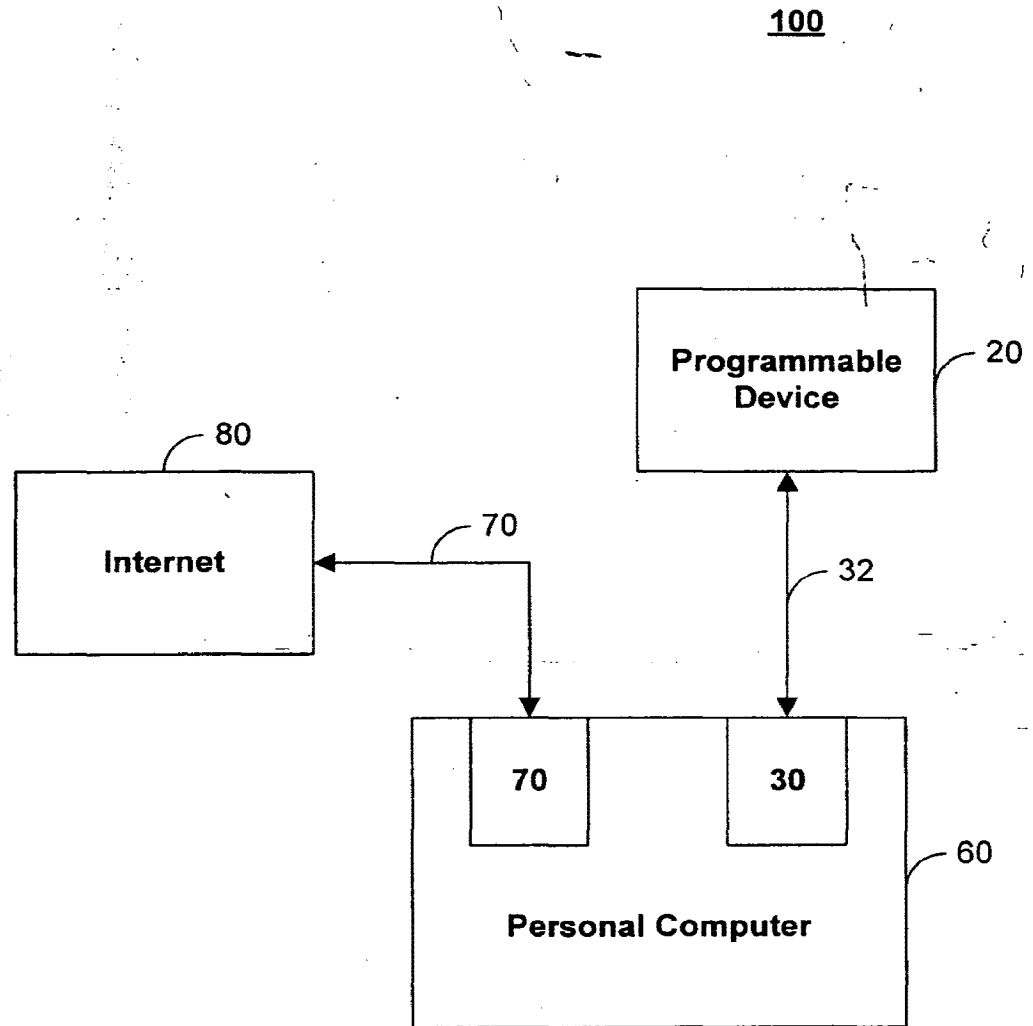
**FIG. 1**

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30



**FIG. 2**



**FIG. 3**

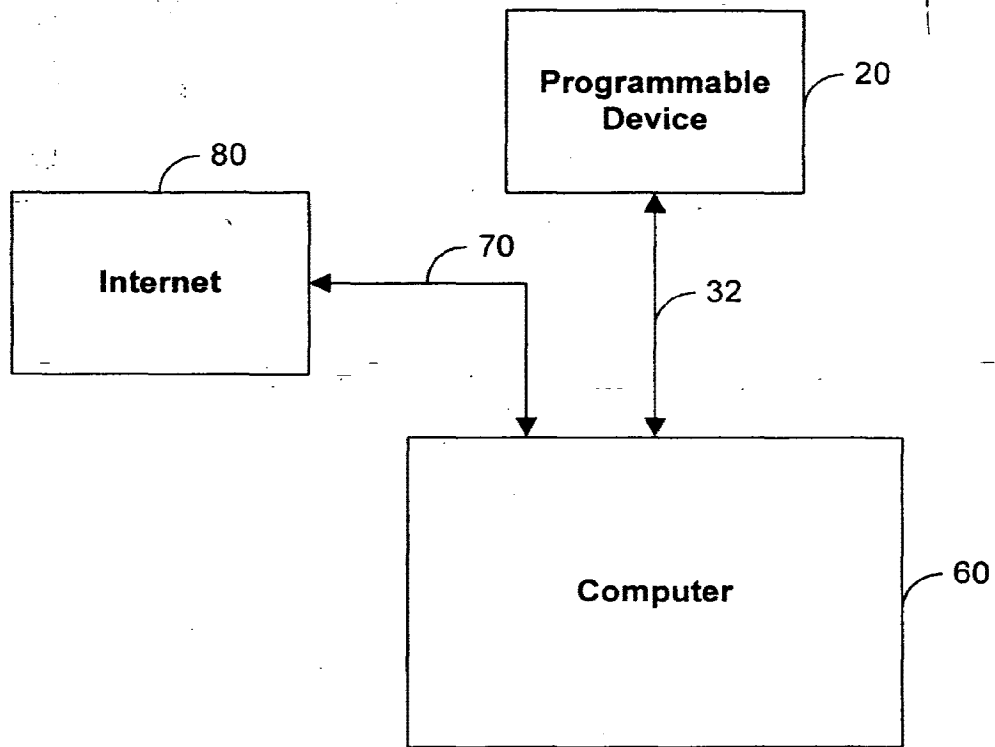
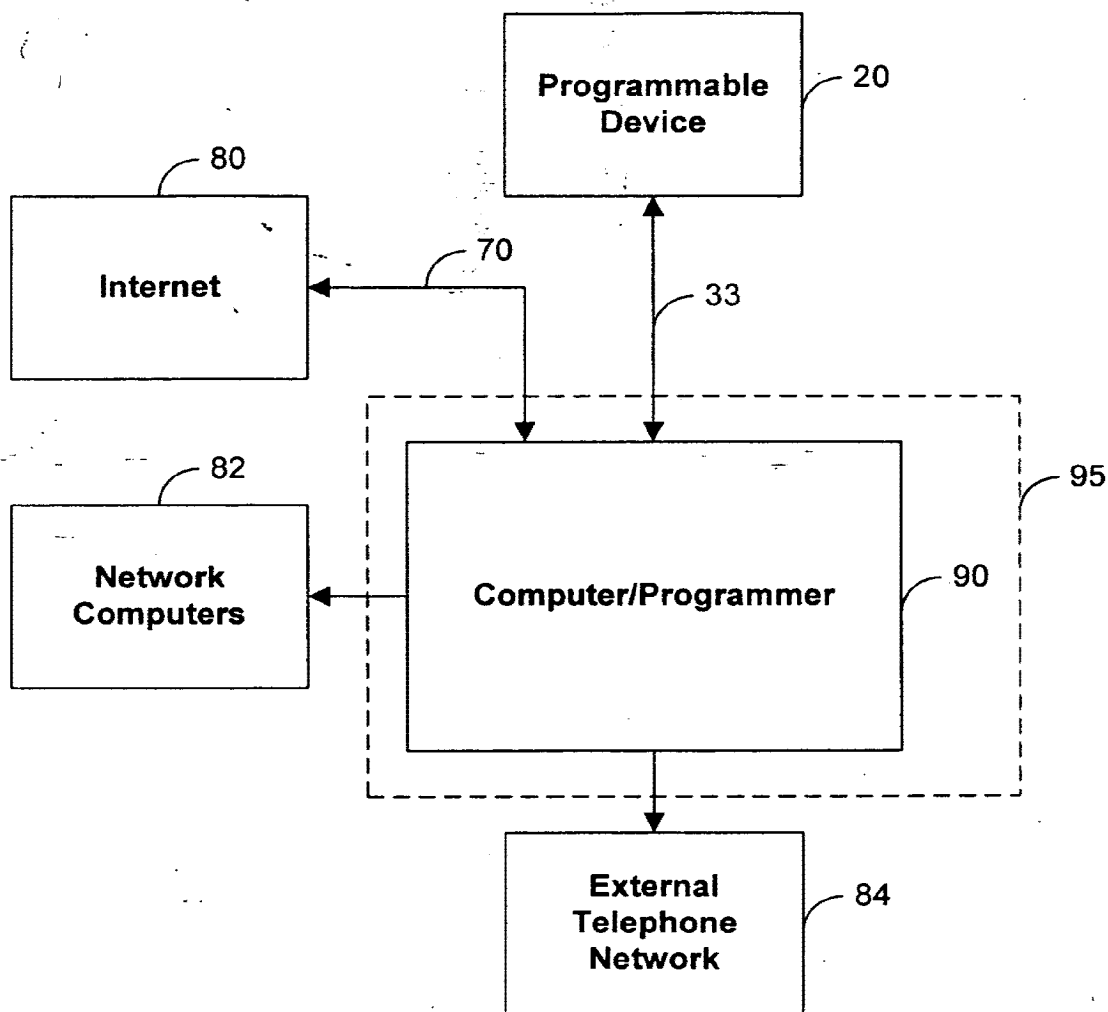


FIG. 4A

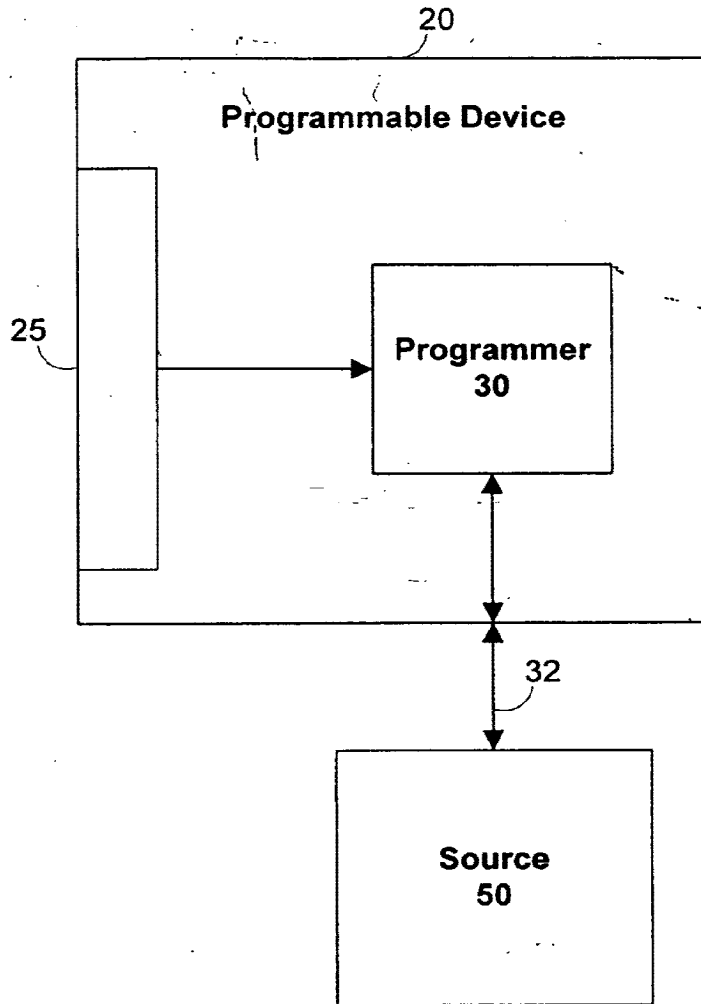
**200**



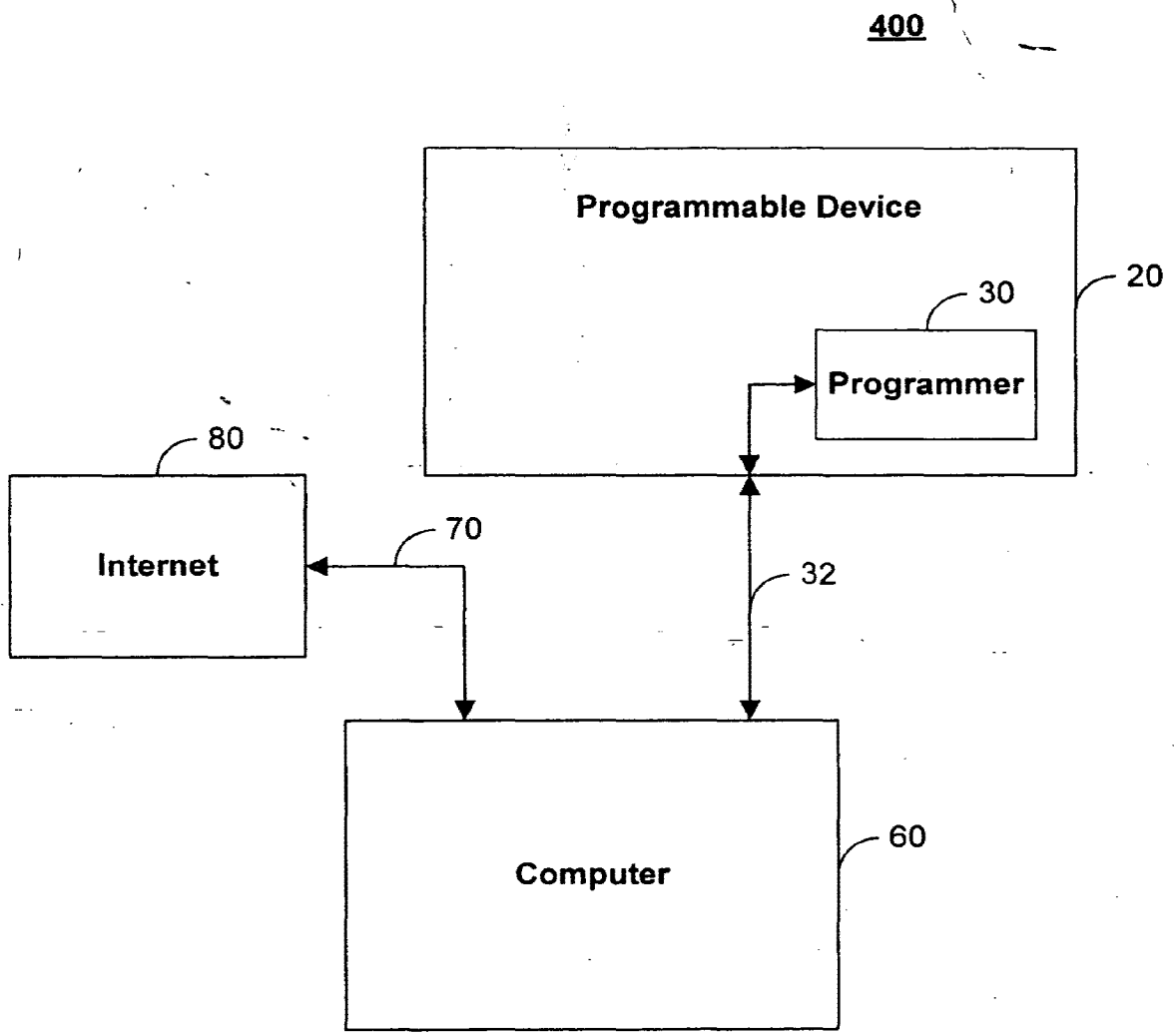
**FIG. 4B**



**300**



**FIG. 5**



**FIG. 6**

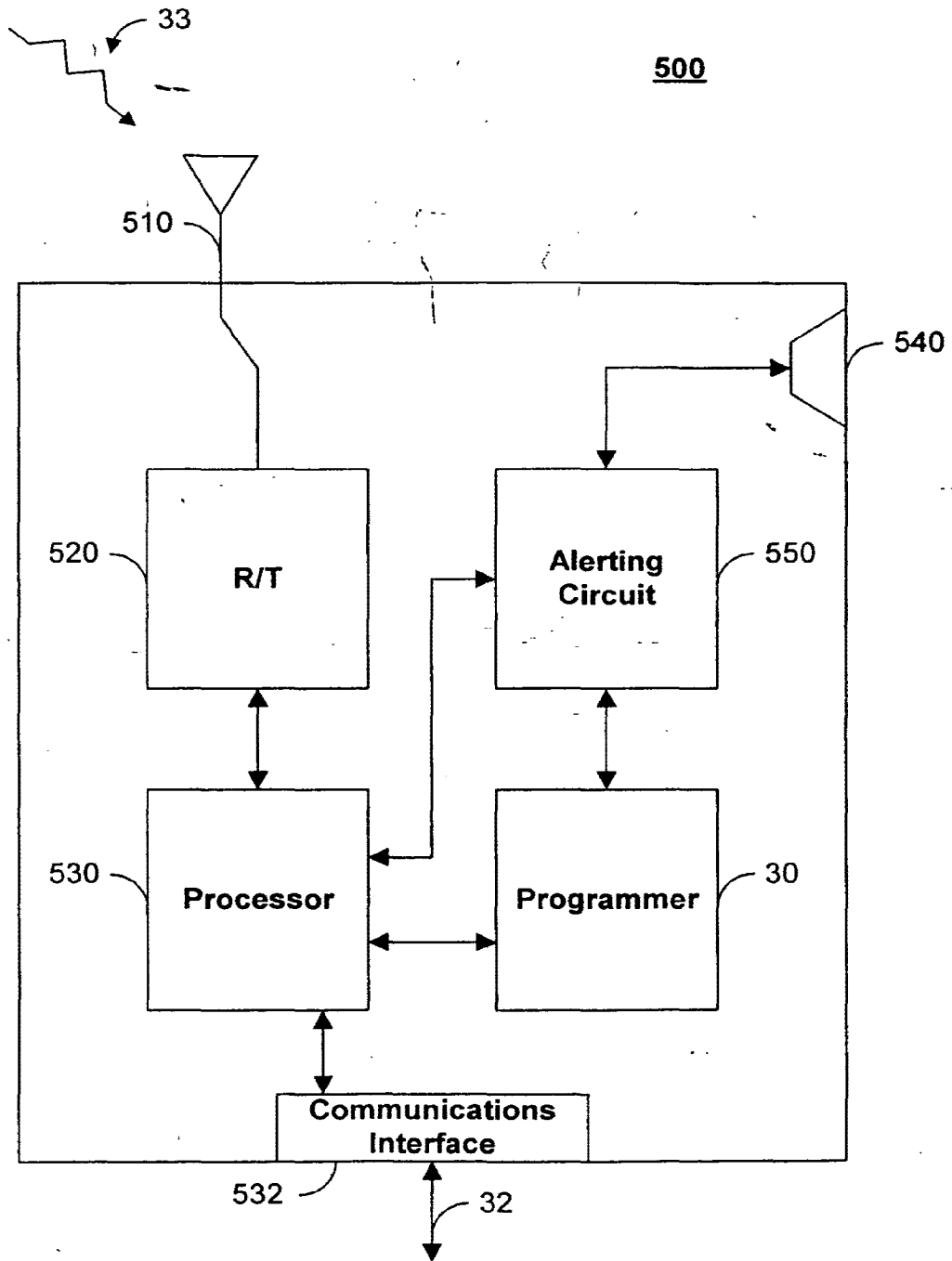


FIG. 7

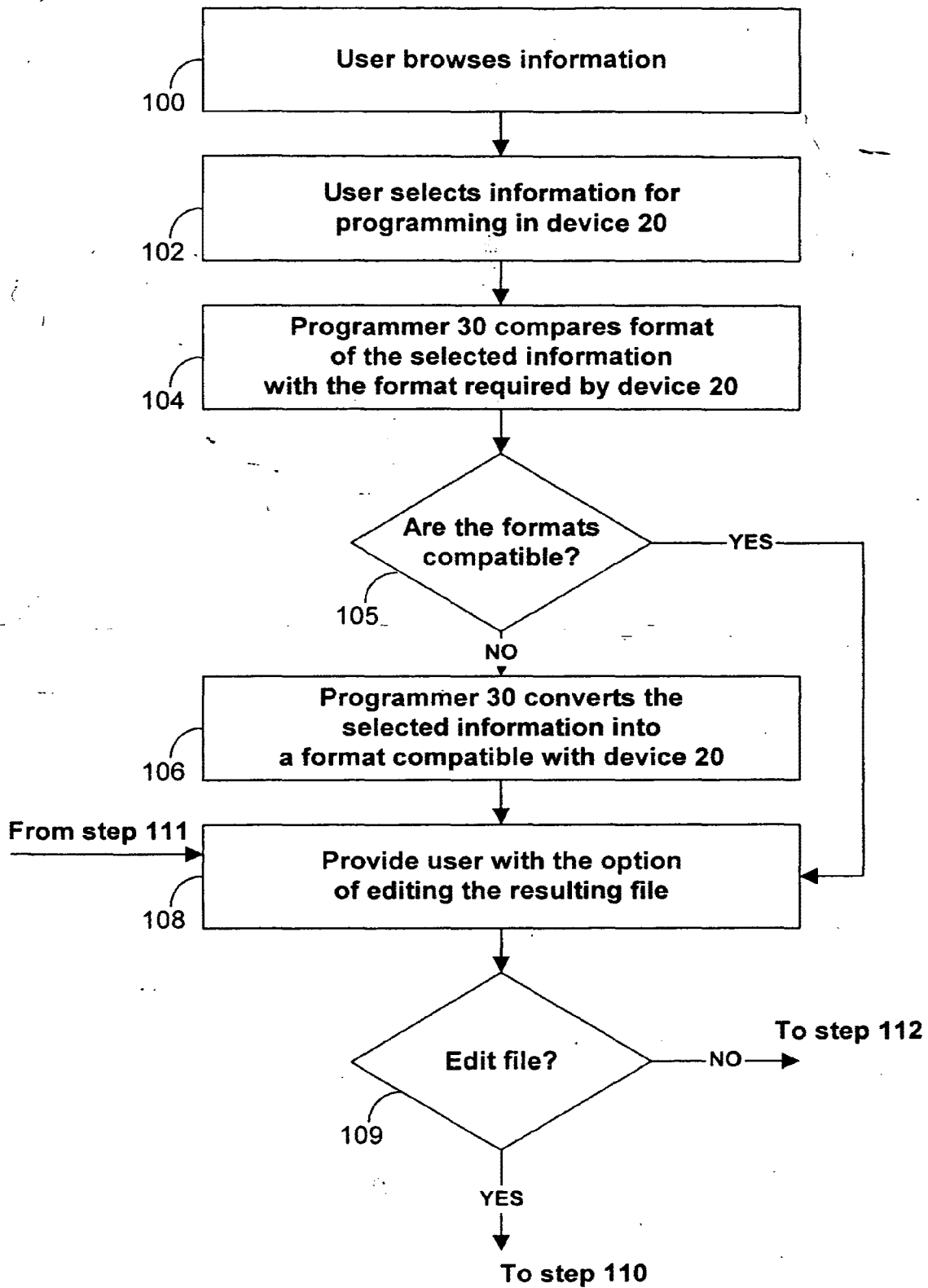


FIG. 8

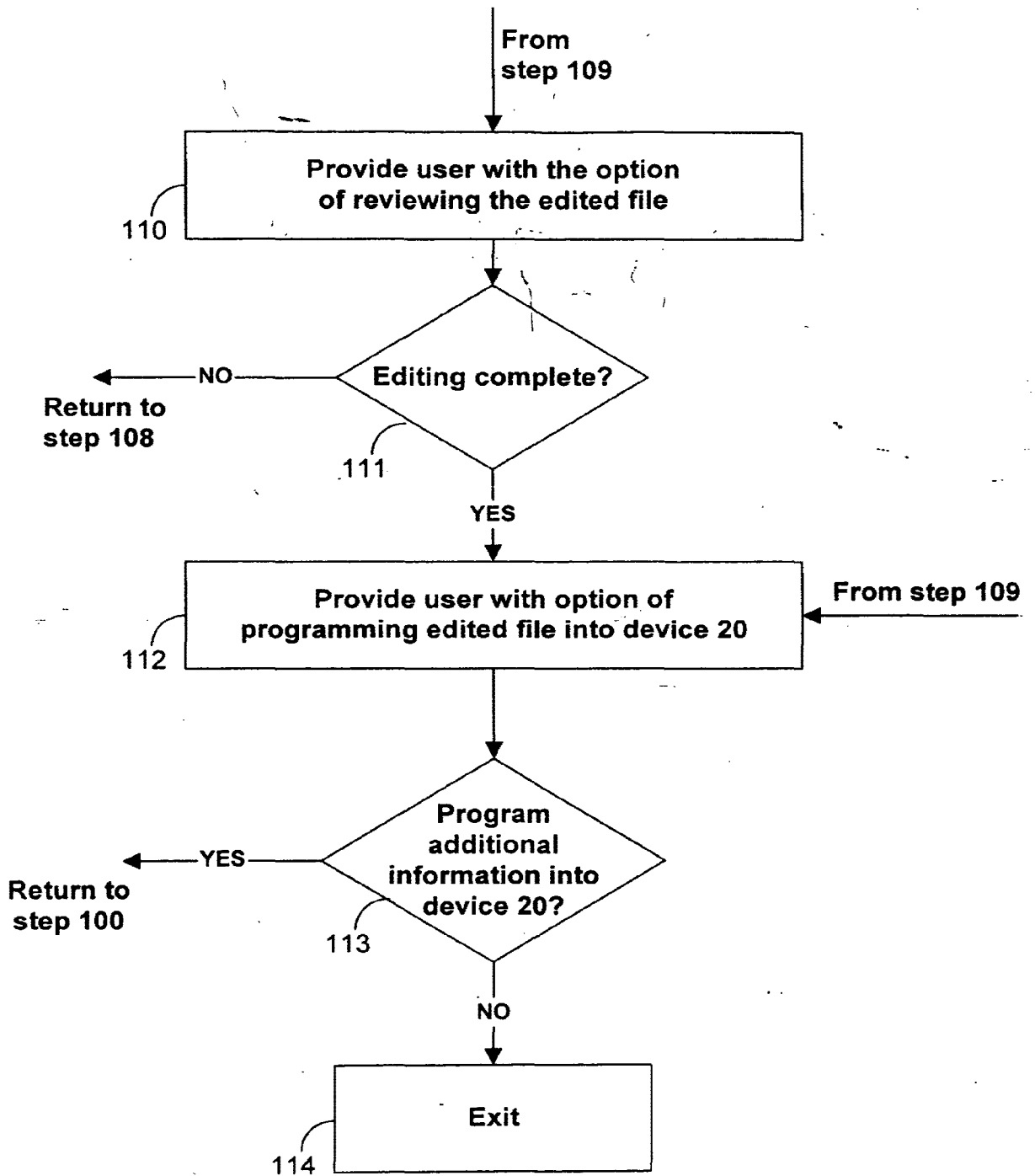


FIG. 9

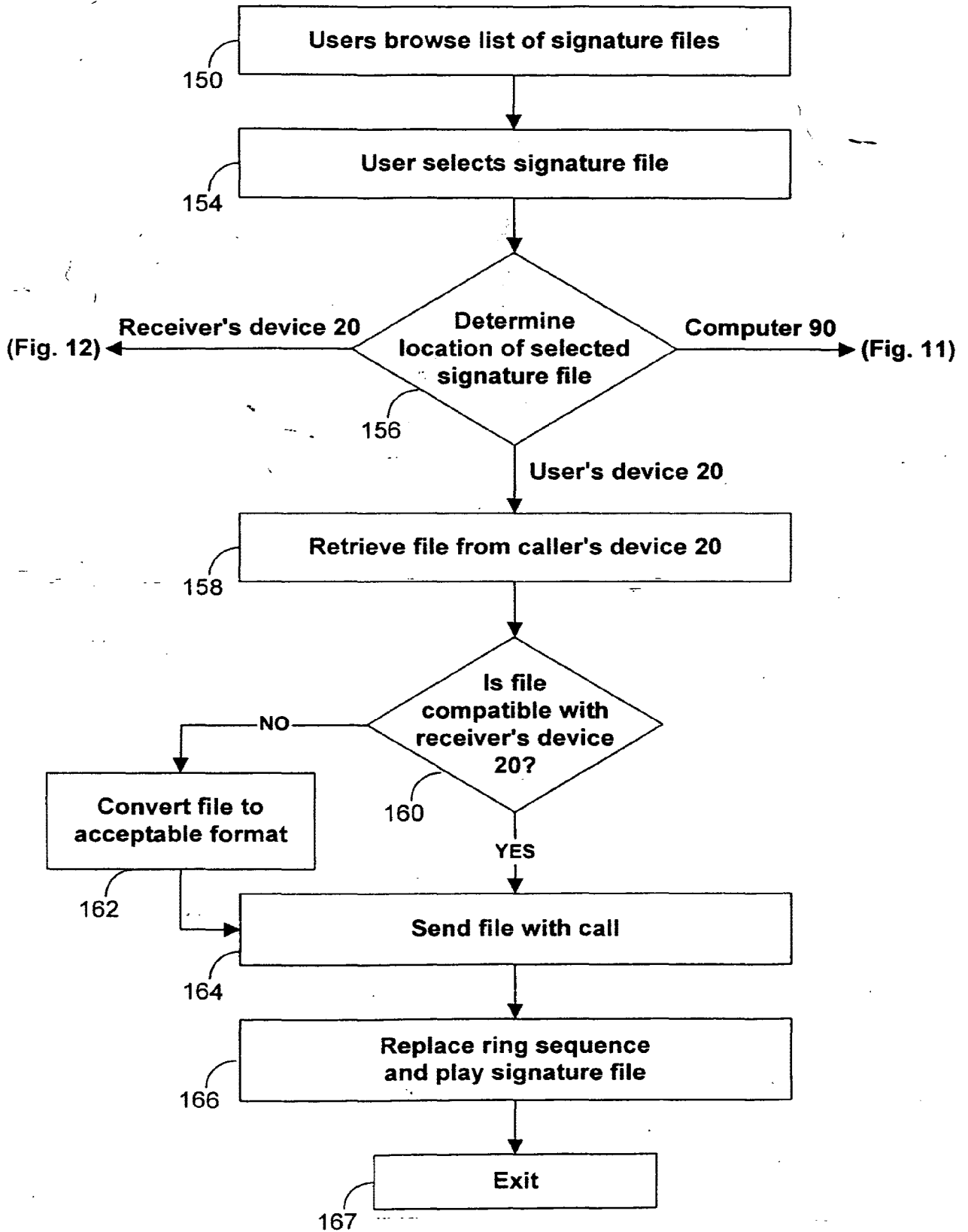


FIG. 10

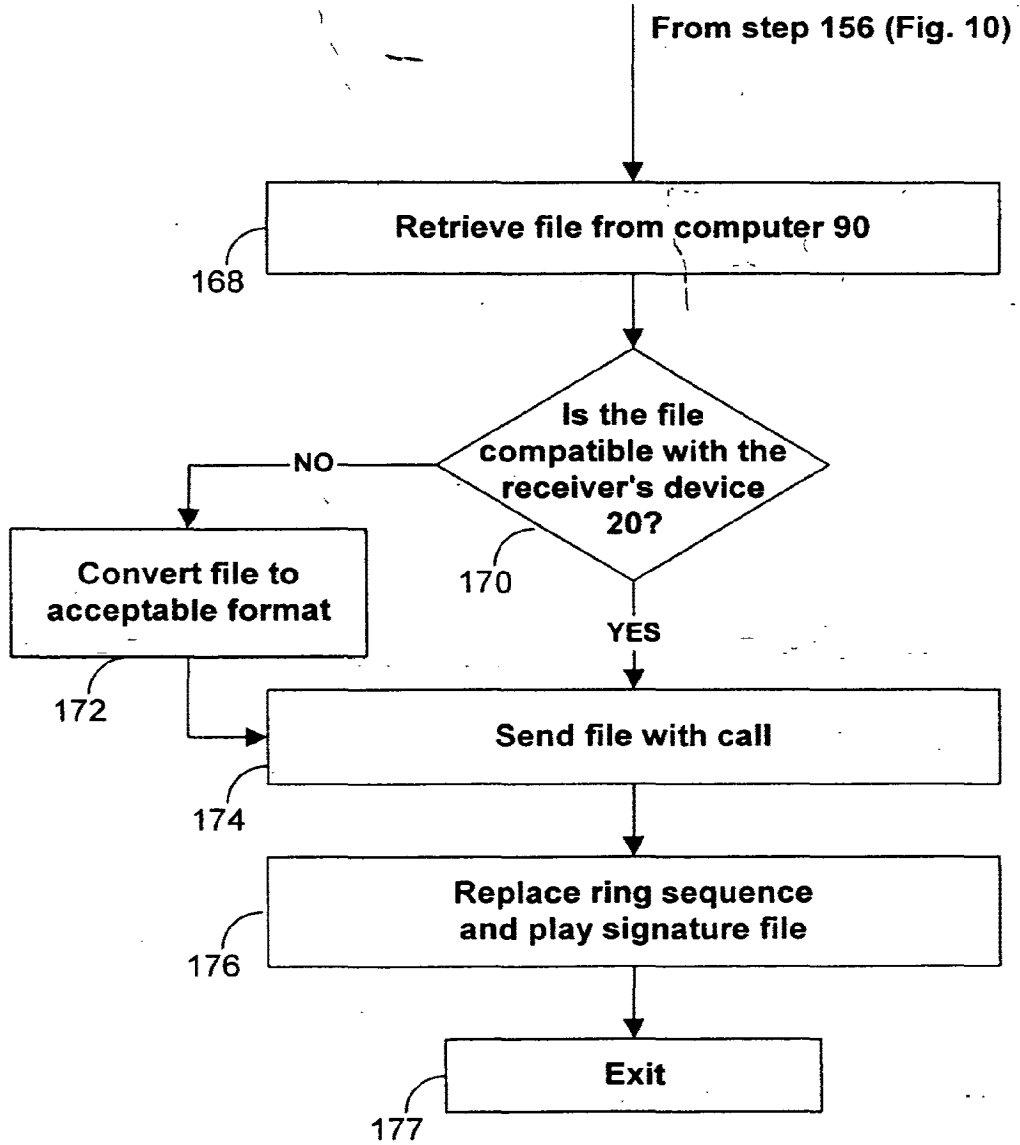
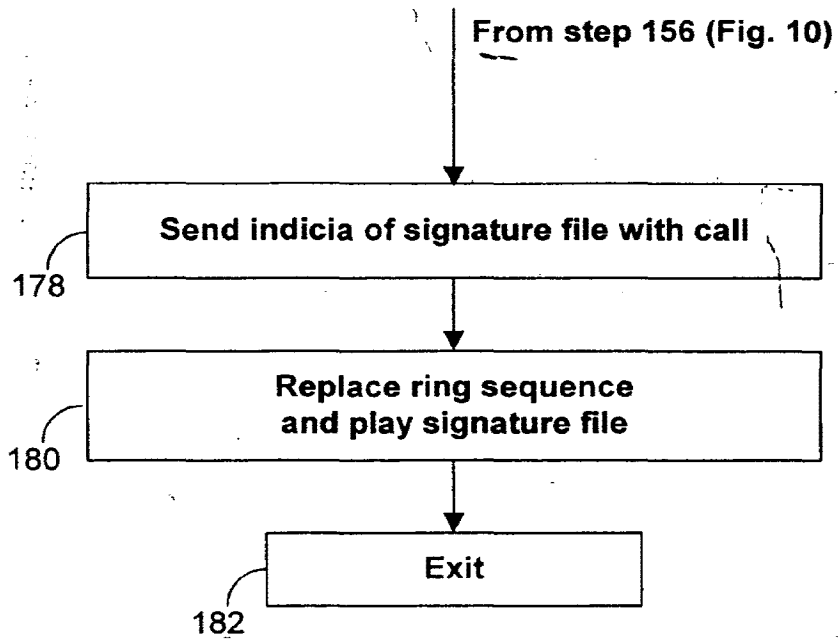


FIG. 11



**FIG. 12**



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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND APPARATUSES FOR PROGRAMMING  
USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

the specification of which

is attached hereto

was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

_____	_____	_____	[ ] [ ]
(Number)	(Country)	(Filing Date)	Yes No

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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

60/169,158                      December 6, 1999  
(Application Serial No.)    (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

---

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
-----------------------------	---------------	--

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Send correspondence to: Michael E. Shanahan  
P.O. Box 381  
Nyack, N.Y., 10960

Direct telephone calls to: Michael E. Shanahan  
(914) 261-1160

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 Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor Michael E. Shanahan

First inventor's signature  8/16/02  
Date

Residence 783 Route 9W South  
Nyack, New York, 10960

Citizenship United States

Post Office Address P.O. Box 381 Nyack N.Y., 10960

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EXPRESS MAIL LABEL NO. -- EV133107427US

Applicant or Patentee: Michael E. Shanahan Attorney's  
Serial or Patent No.: \_\_\_\_\_ Docket No.: MES/001 Con  
Filed or Issued: Herewith  
For: METHODS AND APPARATUSES FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9 (c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHODS AND APPARATUSES FOR PROGRAMMING USER-DEFINED INFORMATION INTO ELECTRONIC DEVICES described in:

- The specification filed herewith
- Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_
- Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- No such person, concern, or organization
- Persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

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FULL NAME \_\_\_\_\_

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INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

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 Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR

NAME OF INVENTOR

NAME OF INVENTOR

Michael E. Shanahan

Signature of Inventor  
Inventor

Signature of Inventor

Signature of

AUGUST 16, 2002



~~MARCH 3, 2000~~

Date

Date

Date

Address of Inventor -- P.O. Box 381, Nyack, NY 10960

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: MICHAEL E. SHANAHAN

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Entitled: METHODS AND APPARATUSES FOR PROGRAMMING DEFINED INFORMATION INTO ELECTRONIC DEVICES

TWENTY YEAR INNOVATIONS, INC., a 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 \_\_\_\_\_, Frame \_\_\_\_\_, 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:

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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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., the original assignment document or a true copy of the original document) 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.

8/5/04  
Date

\_\_\_\_\_  
Telephone number

KEVIN T. MCCARTHY  
Typed or printed name

[Signature]  
Signature

CEO  
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 1.14. 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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PTO/SB/81 (09-03)  
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	<b>Filing Date</b>	August 11, 2004
	<b>First Named Inventor</b>	Michael E. Shanahan
	<b>Title</b>	Methods and apparatuses for programming user-defined code
	<b>Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	MES/007

I hereby appoint:

Practitioners associated with the Customer Number:

39550

OR

Practitioner(s) named below:

Name	Registration Number

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Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

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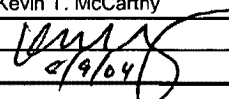
I am the:

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**

Name Kevin T. McCarthy

Signature 

Date 8/9/04

Telephone

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 1.31 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 1.14. 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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FEE RECORD SHEET

08/13/2004 DTESSEH1 00000015 10915866

01 FC:2001	385.00 OP
02 FC:2202	180.00 OP
03 FC:2201	129.00 OP

PTO-1556  
(5/87)

17, 10, 11, 21, 31,

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective October 1, 2003

Application or Docket Number

10915852

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS	40	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	40 minus 20 =	* 20
INDEPENDENT CLAIMS	6 minus 3 =	* 3
MULTIPLE DEPENDENT CLAIM PRESENT	<input type="checkbox"/>	

**SMALL ENTITY TYPE**

**OR OTHER THAN SMALL ENTITY**

RATE	FEE
BASIC FEE	385.00
XS 9=	180
X43=	29
+145=	
TOTAL	694

RATE	FEE
BASIC FEE	770.00
XS18=	
X86=	
+290=	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

**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
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
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
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
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
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

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 \*\* 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."  
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