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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/956,070	10/04/2004	Mai Nguyen	111325-235000	8299
22204	7590	04/17/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			AUGUSTIN, EVENS J	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 04/17/2006

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

<b>Office Action Summary</b>	<b>Application No.</b> 10/956,070	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> Evens Augustin	<b>Art Unit</b> 3621	

**-- 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 24 January 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) 2-10, 14-22, 25, 27-35 and 40-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 2-10, 14-22, 25, 27-35 and 40-54 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

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

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

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

### *Response to Amendment*

This is in response to an amendment file on 1/24/2006 for letter for patent filed on 10/04/2004. In the amendment, claims 1, 12, 16 and 25 have been amended. Claims 1, 11-13, 23-24, 26, and 36-39 have been cancelled. Claims 40-54 have been added. Claims 2-10, 14-22, 25, 27-35, and 40-54 are pending in the letter.

### *Response to Arguments*

1. The United States Patent and Trademark Office has fully considered the applicant's arguments on 1/24/2006, but has not found those arguments to be persuasive.

The claims, as interpreted in light of the specification, are regarding content distribution system, in which the content owners specify the rights of distributors/end-users vis-à-vis the content. The present invention categorizes the rights associated with the content into **usage rights** and **meta-rights**. Usage rights are defined as a manner of use for the items, and meta-rights are defined as a manner of rights transfer for the items (page 4, par. 10). According to the applicant's specification, **meta-rights** can include rights to offer, grant, obtain, transfer, delegate, track, surrender, exchange, and revoke usage rights to/from others (page 9, par. 41). A **usage right** can be the right to print content **three times**. Each time the usage right is exercised, the value of the state variable "number of prints" is incremented. In this example, when the value of the state variable is **three**, the condition is no longer satisfied and content cannot be printed (page 9, par. 43). The content owner initially grants the distributor a license/rights to

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distribute/sell the content, and the distributor can modify the initial licensing/rights from the owner to offer a more customized version of the rights to the end users (pages 24-25, par. 79-80).

**Argument 1:** Prior Art does not teach the aspects Meta-rights

**Response 1:** Owners setting initial usage rights/licensing (first license) for content to the distributors (column 21, lines 30-33). Those usage rights can be modified by the digital store (column 21, lines 33-39) to create secondary licensing or customized licensing (column 10, lines 15-18) to the end user

The system also defines the manner in which the content can be used (meta-rights) such as onto what kinds of media the content can be transferred to (column 59, lines 52-54)

Application stands finally rejected.

### ***Status of Claims***

2. Claims 2-10, 14-22, 25, 27-35, and 40-54 have been examined.

*Claim Rejections - 35 USC § 112*

3. Regarding claims 40-43, 45, 7, 19, 25, and 32, the phrase "and/or" renders the claims indefinite because there are uncertainties or ambiguities with respect to the question of scope or clarity of the claims. The claims are rejected under 35 U.S.C. 112, second paragraph (See MPEP § 2173.05(h)).

4. Claims 7, 19 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims refer to a third license being generating from a second license. The **specification is silent** with regard to the generation of third license and the rights associated with that third license.

5. Claims 49-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims refer to a third license being generating from a second license. According to the applicant's specification, **meta-rights** can include rights to offer, grant, obtain, transfer, delegate, track, surrender, exchange, and revoke usage rights to/from others (page 9, par. 41). The **specification is silent** with regard to rights such as restore, back up, exercise and extract.

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