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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/162,701	06/06/2002	Xin Wang	111325-290100	6475
22204	7590	04/17/2008	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			AUGUSTIN, EVENS J	
			ART UNIT	PAPER NUMBER
			3621	
			MAIL DATE	DELIVERY MODE
			04/17/2008	PAPER

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

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



## DETAILED ACTION

### *Acknowledgements*

1. This is in response to an amendment filed on 01/10/2008. Claims 1, 3, 5-6, 10-11, and 13-14 are amended. Claims 28-29 are added. Claims 1-18 and 28-29 are pending.

### *Response to Arguments*

2. The United States Patent and Trademark Office has fully considered the applicant's arguments filed on 01/10/2008, but has not found those arguments to be persuasive.

**Argument 1:** Downs et al., fails to disclose, teach or suggest meta-rights, which allow one or more users or devices to transfer rights or to derive new rights.

**Response 1:** According to the applicant's specification, meta-rights are the rights that one has to manipulate, modify, or otherwise derive other meta-rights or usage rights. Meta-rights can be thought of as secondary usage rights derived from the primary usage rights (specification, par 21). Content providers (entity(s) that supplies the content), providing (equivalent to generating) usage conditions (equivalent to usage rights) also stipulate that the content stores or distributors also have rights to add or narrow the original usage rights (meta-rights or rights derived from the initial usage rights) (column 21, lines 30-36).

Additionally, state variables can be the number of copies a user is allowed to make (column 59, line 50 or rental terms (column 59, lines 55-60). Content providers and distributors specify the number of plays and local copies allowed for the Content, and whether or not the Content may be recorded to an external portable device (state variable). Downs et al. keep track

of the content's copy/play usage and update the copy/play status (column 20, lines 43-50, column 12, lines 11-12).

Application stands finally rejected.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Downs et al. (U.S 6226618) (“Downs”).

5. As per claims 1-18 and 28-29, Downs discloses an invention comprising of the following:

A. Content stores or distributors can add or narrow the original usage rights (sub-rights) (column 21, lines 30-36)

B. Content providers set and transmit (equivalent to presenting) the usage conditions to the content stores (column 21, 30-32), which are the first customers or distributors of the content providers.

C. ("obtaining a set of rights associated with an item, said set of rights including a meta-right, wherein the meta-right is provided in digital form, is enforceable by a repository-, and specifies derivable right that can be derived from exercising the meta-right by the rights consumer, a condition that must be satisfied to exercise the meta-right, and a state variable related to the condition, said derivable right being another meta-right or a usage right, whereby the meta-right is distinct from any usage rights specifying how the item can be used and distributed; determining by a repository whether the rights consumer is entitled to exercise the meta-right to derive the derivable right specified by the meta-right;") ---Distributors (first customer) making a request to digital content owners to sale digital content (column 42, lines 65-67, column 43, lines 1-2). The two parties then come to an agreement (column 43, lines 4-5). Inherently, the content provider receives the request - Content providers (entity that supplies the content), providing (equivalent to generating) usage conditions (equivalent to usage rights) - The content providers also stipulate that the content stores or distributors can add or narrow the original usage rights - state variables can be the number of copies a user is allowed to make (column 59, line 50 or rental terms (column 59, lines 55-60). Content providers and distributors specify the number of plays and local copies allowed for the Content, and whether or not the Content may be recorded to an external portable device (state variable). Downs et al. keep track of the content's copy/play usage and update the copy/play status (column 20, lines 43-50, column 12, lines 11-12)

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