PRINT OF DRAWINGS
AS ORIGINALLY FILED

09756250 "010501

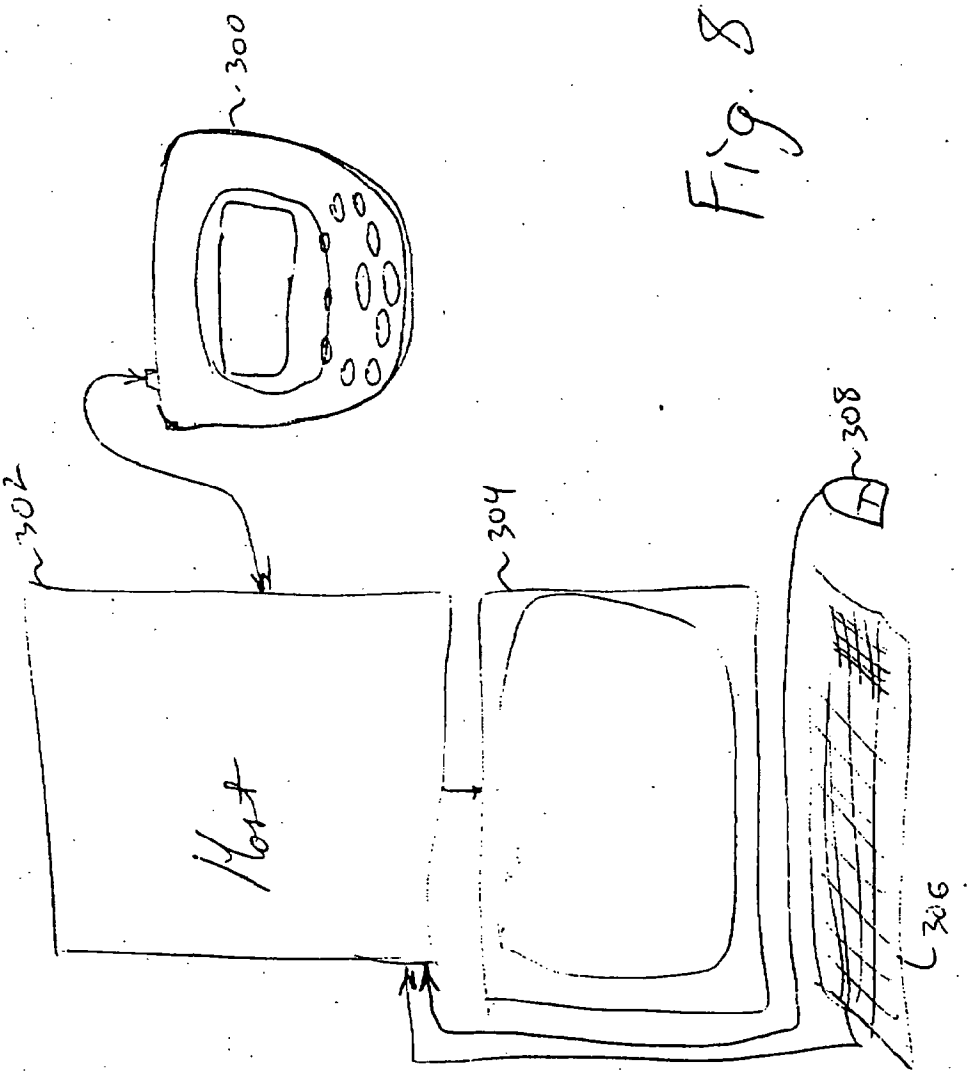

Fig. 8

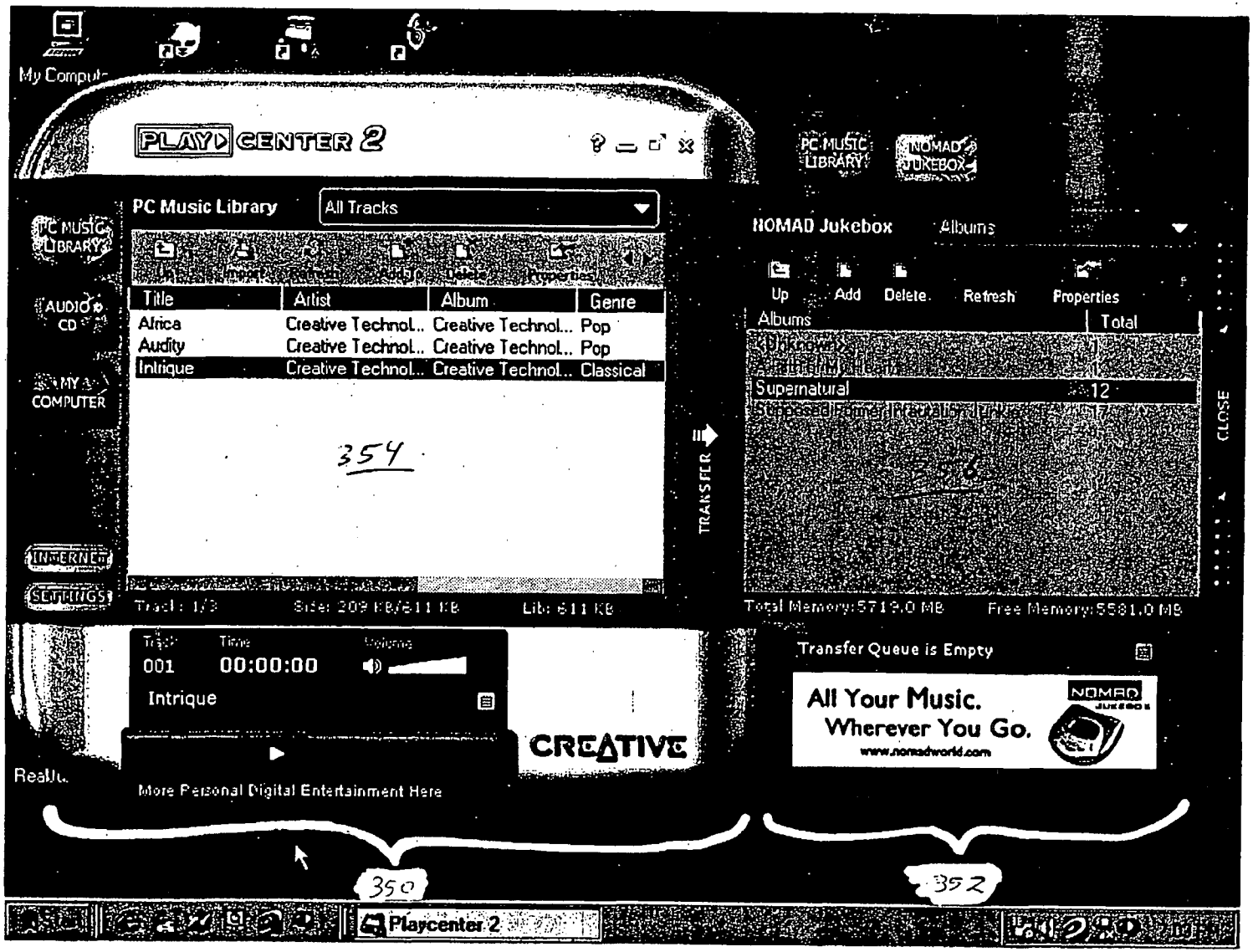

Fig. 9

SONY Exhibit 1004 - Page 3761

C2

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/755,629	01/05/01	GOODMAN	R 17002020800

020350 MM91/0924
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

EXAMINER	
WITKOWSKI, S	
ART UNIT	**PAPER NUMBER**
2837	4

DATE MAILED: 09/24/01

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

Commissioner of Patents and Trademarks

PTO-90C (Rev. 2/95) 1- File Copy

Office Action Summary

Application No.	Applicant(s)
09/755629	Goodman et al.
Examiner	**Group Art Unit**
Witkowski	2837

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

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

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, 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).

Status

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ 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

☒ Claim(s) 1-15 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

Office Action Summary

1. The abstract should be limited to 150 words.

2. In the first paragraph of the specification, the serial numbers, filing dates and patent numbers (if available) for the two applications should be provided.

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 --
>
> (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.

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being fully met by either of Cluts, Looney et alii or Yamaura et al.

Each patent discloses the grouping of songs into categories such as album, artist, style, and title. The categories overlap and are displayed.

5. Any inquiry concerning this communication should be directed to Stanley J. Witkowski at telephone number (703) 308-3101.

Witkowski/nt

9/19/01

Stanley Witkowski
Primary Examiner

Notice of References Cited

Application No.	Applicant(s)		
09/755629	Goodman et al.		
Examiner	Group Art Unit	Page 1 of 1	
Witkowski	2837		

U.S. PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
	A	5,616,876	4-1997	Cluts	84	609
	B	5,918,303	6-1999	Yamaura et al.	84	609
	C	5,969,283	10-1999	Looney et al.	84	609
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	N						
	O						
	P						
	Q						
	R						
	S						
	T						

NON-PATENT DOCUMENTS

*		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	U		
	V		
	W		
	X		

* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)

U.S. Patent and Trademark Office
PTO-892 (Rev. 9-96)

Part of Paper No. 4

*U.S. GPO: 1998-454-457/97506

C3

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

I hereby certify that this correspondence is being sent by facsimile transmission to Examiner Stanley Witkowski at Fax No.: (703) 872-9318

On December 26, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: [signature]

PATENT
Attorney Docket No.: 017002-020800US

#5/A
1/3/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ron Goodman, et al.

Application No.: 09/755,629

Filed: January 5, 2001

For: SYSTEM FOR SELECTING AND PLAYING SONGS IN A PLAYBACK DEVICE WITH A LIMITED USER INTERFACE

Examiner: S. Witkowski

Art Unit: 2837

AMENDMENT

FAX COPY RECEIVED
DEC 26 2001
TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 24, 2001 (December 24 and 25, 2001 were government holidays), please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel claims 1-12.

Please add new claims 16-23 as follows:

16. (New) The method of claim 13 wherein the audio information from other than the local storage comprises a radio broadcast.

17. (New) The method of claim 13, further comprising:

Received from < 415 576 0302 > at 12/26/01 5:32:53 PM [Eastern Standard Time]

selecting an audio file from the local storage in response to signals received from a user input control of the electronic device, wherein the selected audio file is played back from the local storage when the Play button is operated in the first manner.

18. (New) The method of claim 17, wherein selecting an audio file from the local storage comprises:

displaying on a display of the electronic device a plurality of categories including a first category of album names, a second category of artist names, and a third category of style names;

accepting signals from the user input control to select one of the displayed categories;

displaying a list of audio files in the local storage associated with the selected category; and

accepting signals from the user input control to select one of the displayed audio files.

19. (New) The method of claim 17, wherein the user input control comprises a plurality of buttons, wherein at least two of the plurality of buttons are configurable, and wherein selecting an audio file from the local storage comprises:

associating a plurality of audio files in the local storage with an album name;

displaying the album name on a display of the electronic device;

designating a first configurable button for signaling an "open" command;

designating a second configurable button for signaling a "queue" command;

after the "queue" command is received, selecting the plurality of audio files to be played back sequentially; and

after the "open" command is received:

displaying the plurality of audio files;

accepting signals from a third button to identify one of the plurality of audio files;

after the "queue" command is subsequently received, selecting the identified audio file for playback; and

after the "open" command is subsequently received, displaying information about the identified audio file.

20. (New) The method of claim 17, wherein selecting an audio file from the local storage comprises:

accessing a database in the local storage comprising album names, artist names, style names, and audio files, wherein an audio file is associated with at least two of an artist name, an album name, and a style name, at least one album name is associated with an artist name, and at least one album name is associated with a style name;

displaying first, second, and third categories on a display of the electronic device, wherein the first category is of albums, the second category is of artists, and the third category is of styles;

accepting signals from the user input control to select one of the first, second, and third categories;

in response to the first category being selected, displaying a list comprising album names in the database;

in response to the second category being selected:

displaying a list comprising artist names in the database;

accepting signals from the user input control to select one of the displayed artist names; and

displaying a list comprising at least one of an album name associated with the selected artist name and an audio file associated with the selected artist name;

in response to the third category being selected:

displaying a list comprising style names in the database;

accepting signals from the user input control to select one of the displayed style names; and

displaying a list comprising at least one of an album name associated with the selected style name and an audio file associated with the selected style name;

accepting signals from the user interface to select one of the displayed audio files and the displayed album names; and

in response to one of the displayed album names being selected:

displaying a list comprising at least one audio file associated with the selected album name; and

accepting signals from the user interface to select one of the displayed audio files,

wherein, after one of the displayed audio files is selected, the selected audio file is played back from the local storage when the Play button is operated in the first manner.

21. (New) A method for playing a song in an electronic audio device having a user interface including a display, a user input control, and a multi-function Play button, the method comprising:

accessing a database in a local storage comprising album names, artist names, style names, and songs, wherein each song is associated with at least two of an artist name, an album name, and a style name, at least one album name is associated with an artist name, and at least one album name is associated with a style name;

displaying first, second, and third categories on the display, wherein the first category is of albums, the second category is of artists, and the third category is of styles;

accepting signals from the user input control to select one of the first, second, and third categories;

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in response to the first category being selected, displaying a list comprising at least one album name;

in response to the second category being selected:

displaying a list comprising at least one artist name;

accepting signals from the user input control to select one of the displayed artist names; and

displaying a list comprising at least one of an album name associated with the selected artist name and a song associated with the selected artist name;

in response to the third category being selected:

displaying a list comprising at least one style name;

accepting signals from the user input control to select one of the displayed style names; and

displaying a list comprising at least one of an album name associated with the selected style name and a song associated with the selected style name;

accepting signals from the user interface to select one of the displayed songs and the displayed album names;

in response to one of the displayed album names being selected:

displaying a list comprising at least one song associated with the selected album name; and

accepting signals from the user input control to select one of the displayed songs;

after one of the displayed songs is selected, playing back the selected song from the local storage when the multi-function Play button is operated in a first manner; and

in response to the multi-function Play button being operated in a second manner, playing back audio information from a source other than the local storage while suspending playback of the selected song.

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22. (New) The method of claim 21, further comprising:

after one of the displayed songs is selected, queuing the selected song in response to a queue signal received from the user input control before playing back the selected song from the local storage.

REMARKS

Claims 13-23 are pending.

Claims 1-15 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by any one of Cluts, U.S. Patent No. 5,616,876, Looney et al., U.S. Patent No. 5,969,283, or Yamaura et al., U.S. Patent No. 5,918,303.

Claims 1-12 have been canceled by this amendment, and claims 16-23 have been added.

Reconsideration of the rejection of claims 13-15 in view of the following remarks is respectfully requested.

Rejection of Claims 13-15

Claims 13-15 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by any of Cluts, U.S. Patent No. 5,616,876, Looney et al., U.S. Patent No. 5,969,283, or Yamaura et al., U.S. Patent No. 5,918,303. Applicants respectfully traverse.

Applicants respectfully submit that none of the cited references teaches a "method for providing multiple functions for a Play button in an electronic device" as recited in independent claim 13. According to claim 13, the electronic device has "a first playback mode for playing audio files from a local storage and a second playback mode for playing audio information from other than the local storage." The method of claim 13 comprises "determining whether the Play button is operated by a user in a first manner," and "if the Play button is operated in the first manner then performing the step of playing back an audio file from the local storage else performing the step of playing back audio

information from other than the local storage." None of the cited references teaches that an electronic device may have first and second playback modes as recited in claim 13, or that a playback mode can be selected by operating a Play button in a first manner or another manner.

Cluts discloses an "audio on demand" system that "allows a subscriber to listen to songs provided by the system" and to select songs and playlists (Cluts, col. 4, lines 45-49). The system includes a set-top terminal at the user's location, via which data is transmitted to and received from a headend system at another location (see Fig. 1; col. 5, line 66-col. 6, line 19). The set-top terminal "communicates with the headend system 12 to process the instructions transmitted by the remote control unit" (col. 10, line 65-col. 11, line 1). As examples, Cluts discloses that the set-top terminal forwards instructions (e.g., a request for programming information) to the headend system, receives data (e.g., programming information) in response, and displays the received data in the proper format (col. 11, lines 1-10). Cluts does not teach that the set-top terminal may include local storage of audio files (see Fig. 2, showing only memory storage of operating system 68, boot code 72, and application program 68). Consequently, a person of ordinary skill in the art would infer that all audio data that is played back comes from the headend, which is a remote source. Therefore, at least the "first playback mode for playing audio files from a local storage" recited in claim 13 is not taught or suggested by Cluts.

Looney discloses a music organizer and entertainment center that plays back music "from an onboard database that can include a large number of songs or titles" (Looney, col. 2, lines 1-4). A user of the entertainment center may load songs into the database by transferring the songs from a compact disc or other computer-readable media (col. 7, lines 27-44). Playback of songs from the onboard (MyData) database is disclosed (see, e.g., Fig. 9), but playback of audio information from other sources is not. Therefore, at least the "second playback mode for playing audio information from other than the local storage" recited in claim 13 is not taught or suggested by Looney.

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Yamaura discloses an apparatus for selecting performance setting data. A tune table is provided, in which tune names are listed (Yamaura, col. 7, lines 4-6). Associated with each tune name is a keyword providing artist, composer, and genre information for the tune (col. 7, lines 13-15) and performance setting data "constituted of a style number, a tone color number, a tempo value, and a harmony number" (col. 7, lines 21-23). Yamaura teaches that performance setting data may be selected by selecting a tune name and setting the performance environment using the performance setting data corresponding to the selected tune name (col. 5, lines 4-19). The performance setting data apparatus is usefully employed in an electronic musical instrument (col. 5, lines 31-33) in which individual tones are generated by a user depressing keys (col. 6, lines 11-14). The performance setting data are used to establish properties of the generated tones (see col. 6, lines 17-25). Yamaura does not disclose that actual tunes are stored; only the name, the keyword, and general characteristics of the tune —style, tone color, tempo, and harmony — are stored. Consequently, a person of ordinary skill in the art would not infer that tunes are played back from local storage. Therefore, at least the "first playback mode for playing audio files from a local storage" recited in claim 13 is not taught or suggested by Yamaura.

Moreover, because none of the cited references teaches both of the first and second playback modes as recited in claim 13, it follows that none teaches or suggests the recited step of "if the Play button is operated in the first manner then performing the step of playing back an audio file from the local storage else performing the step of playing back audio information from other than the local storage."

For at least the foregoing reasons, Applicants respectfully submit that the cited references do not anticipate claim 13. Further, because claims 14 and 15 depend from claim 13, Applicants respectfully submit that the cited references do not anticipate these claims. Withdrawal of the rejection of claims 13-15 under 35 U.S.C. §102(b) is therefore respectfully requested.

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New Claims

Claims 16-23 have been added to more adequately claim various features of the invention. Applicants respectfully submit that support for these claims may be found throughout the specification, for instance, in Figures 1-3 and accompanying disclosure at p. 3, line 32-p. 6, line 24, and at p. 9, line 26-p. 10, line 15.

Further, Applicants respectfully submit that claims 16-23 are patentable over the cited references. Claims 16-21 depend from claim 13 and are therefore patentable for at least the reasons stated above. Independent claim 22 recites a "method for playing a song in an electronic audio device having a user interface including a display, a user input control, and a multi-function Play button." The method includes steps of "when one of the displayed songs is selected, playing back the selected song from the local storage when the multi-function Play button is operated in a first manner; and when the multi-function Play button is operated in a second manner, playing back audio information from a source other than the local storage while suspending playback of the selected song." As explained above, the cited references do not teach or suggest a multi-function Play button that provides both playback of audio data from the local storage and playback of audio information from a source other than the local storage. Therefore, claim 22 is patentable over the cited references. For at least the same reasons, claim 23, which depends from claim 22, is also patentable over the cited references.

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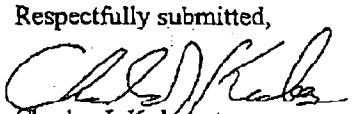
Best Available Copy

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Charles J. Kulas
Reg. No. 35,809

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
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CJK:cec
SF 1301846 v1

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#5

Atty Docket No. 017002-020800US

PTO FAX NO.: (703) 872-9318

ATTENTION: Examiner Stanley Witkowski Group Art Unit 2837
TELEPHONE NO.: (703) 872-9317

OFFICIAL COMMUNICATION

FOR THE PERSONAL ATTENTION OF

EXAMINER STANLEY WITKOWSKI

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following document(s) in re Application of Ron Goodman, et al., Application No. 09/755,629, filed January 5, 2001 for SYSTEM FOR SELECTING AND PLAYING SONGS IN A PLAYBACK DEVICE WITH A LIMITED USER INTERFACE is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Amendment

Number of pages being transmitted, including this page: 11

Dated: December 26, 2001

Charles J. Kulas, Reg. No. 35,809

PLEASE CONFIRM RECEIPT OF THIS PAPER BY RETURN FACSIMILE AT (415) 576-0300

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C4

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,629	01/05/2001	Ron Goodman	17002020800	3004

20350 7590 02/19/2002

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
WITKOWSKI, STANLEY J	
ART UNIT	**PAPER NUMBER**
2837	6

DATE MAILED: 02/19/2002

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

PTO-90C (Rev. 07-01)

Office Action Summary

Application No.	Applicant(s)
09/755629	Goodman et al.
Examiner	**Group Art Unit**
Witkowski	2837

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

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

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, 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, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 12-26-01.

☐ This action is **FINAL.**

☐ 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

☒ Claim(s) 13-22 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 21 & 22 is/are allowed.

☒ Claim(s) 13-18 is/are rejected.

☒ Claim(s) 19 & 20 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ 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: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

U.S. Patent and Trademark Office
PTO-326 (Rev. 11/00)

Part of Paper No. 6

*U.S. GPO: 2000-472-999/43204

SONY Exhibit 1004 - Page 3781

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toriumi as applied to claims 13 and 17 above, and further in view of Looney et al.

Toriumi does not discloses the breakdown of audio filed into plural categories including album names, artist names and style names. However, Looney discloses that the use of such categories or breakdowns is well-known in the electronic music and entertainment art for purposes of breaking down stored music so that it is more easily and readily identifiable and accessible by the listener. Hence, it would have been obvious to one of ordinary skill in the art to use such an arrangement in Toriumi for aiding the listener in the selection of particular pieces of music therein.

6. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication should be directed to Stanley J. Witkowski at telephone number (703) 308-3101.

Witkowski/ds

02/07/02

Stanley Witkowski
Primary Examiner

Notice of References Cited

Application No.	Applicant(s)		
09/753629	Goodman et al.		
Examiner	Group Art Unit	Page 1 of 1	
Witkowski	2837		

U.S. PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
	A	6,062,868	5-2000	Toriumi	84	609X
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
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NON-PATENT DOCUMENTS

*		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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* A copy of this reference is not being funished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)

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PTO-892 (Rev. 9-96)

Part of Paper No. 6

*U.S. GPO: 1998-454-457/97508

C5

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,629	01/05/2001	Ron Goodman	17002020800	3004

20350 7590 09/19/2002

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EXAMINER	
WITKOWSKI, STANLEY J	
ART UNIT	**PAPER NUMBER**
2837	7

DATE MAILED: 09/19/2002

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

PTO-90C (Rev. 07-01)

UNITED STATES DEPARTMENT OF COMMERCE
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09/755629

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	7

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

☒ Applicant's failure to timely file a proper response to the Office letter mailed on 2-19-02.

☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of ____ month(s)) which expired on _____.

☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

☒ No response has been received.

☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

☐ The submitted issue fee of $_____ is insufficient. The issue fee required by 37 CFR 1.18 is $_____.

☐ The issue fee has not been received.

☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

☐ The proposed new formal drawings filed _____ are not acceptable.

☐ No proposed new formal drawings have been received.

☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below:

Stanley Wilkowski
Primary Examiner

FORM PTO-1432 (REV. 10-95)

D1

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

16138 U.S.PTO 011005

PTO/SB/05 (09-04)
Approved for use through 07/31/2006. OMB 0651-0032
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112919 U.S.PTO 11/033465 011005

UTILITY PATENT APPLICATION TRANSMITTAL

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

Attorney Docket No.	CLIP-024
First Inventor	GOODMAN, Ron
Title	AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA
Express Mail Label No.	EV 413 048 008 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (e.g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. ☐ **Applicant claims small entity status.** See 37 CFR 1.27.
3. ☒ **Specification** [*Total Pages* 21] Both the claims and abstract must start on a new page *(For information on the preferred arrangement, see MPEP 608.01(a))*
4. ☒ **Drawing(s)** *(35 U.S.C. 113)* [*Total Sheets* 12]
5. **Oath or Declaration** [*Total Sheets* 6]
   a. ☐ Newly executed (original or copy)
   b. ☒ A copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
      i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ **Application Data Sheet.** See 37 CFR 1.76
7. ☐ **CD-ROM or CD-R** in duplicate, large table or Computer Program *(Appendix)*
   ☐ Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission** *(if applicable, items a. – c. are required)*
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ paper
   c. ☐ Statements verifying identity of above copies

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

ACCOMPANYING APPLICATION PARTS

9. ☐ **Assignment Papers** (cover sheet & document(s))
   Name of Assignee _____
10. ☐ **37 CFR 3.73(b) Statement** *(when there is an assignee)* ☐ **Power of Attorney**
11. ☐ **English Translation Document** *(if applicable)*
12. ☐ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    ☐ Copies of citations attached
13. ☐ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard** (MPEP 503) *(Should be specifically itemized)*
15. ☐ **Certified Copy of Priority Document(s)** *(if foreign priority is claimed)*
16. ☐ **Nonpublication Request** under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
17. ☒ Other: Patent Application Coversheet

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.: 09/755,723

Prior application information: *Examiner* RONES, Charles L. *Art Unit:* 2175

19. CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: 40032 *OR* ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

Signature		Date	01/10/2005
Name (Print/type)	*Russell N. Swerdon*	Registration No. (Attorney/Agent)	36943

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Attorney Docket No.: CLIP024-1

PATENT APPLICATION

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

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AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

CROSS-REFERENCES TO RELATED APPLICATIONS

This application is a continuation of Application No. 09/755,723, entitled AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA, and filed on January 5, 2001, the specification of which is incorporated herein by reference for all purposes. This application is related to Application No. 09/755,629, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," now abandoned (Atty. Docket No. 17002-020800); and Application No. 09/755,367, entitled "Audioplayback Device with Power Savings Storage Access Mode," issued as U.S. Patent No. 6,590,730 (Atty. Docket No. 17002-022400), all filed January 5, 2001, the disclosures of which are incorporated herein by reference in their entirety.

BACKGROUND OF THE INVENTION

Today, portable consumer electronic devices are more powerful than ever. For example, small, portable music playback devices can store hundreds, even thousands, of compressed songs and can play back the songs at high quality. With the capacity for so many songs, a playback device can store many songs from different albums, artists, styles of music, etc.

Music jukeboxes implemented in software executed by a digital computer and portable MP3 and CD players both provide facilities for forming playlists. For example, the **OOZIC** player, distributed by the assignee of the present application, runs on a host PC and has a playlist feature that allows selection of tracks from the PC's hard disk to be included in the playlist.

As storage capacity increases and songs are compressed to shorter file lengths the number of songs that can be stored increases rapidly. Major problems facing the consumer are organizing and accessing the tracks.

Typically, portable devices have a user interface including a small screen and buttons. Such a display screen might be, e.g., 1" x 2". This small display size is necessary because of the physical size of the device which is typically carried in the hand. The small size also limits the number, size, shape, and types of user input controls that can be mounted on the device. For example, a few pushbuttons are usually provided to perform all of the device's control functions. Using such a compact user interface to navigate and select among hundreds of songs is inefficient and often frustrating. The display screen can only show a few song titles at one time, and the limited controls make it difficult for a user to arbitrarily select, or move among, the songs.

The creation of playlists is one technique to organize the playing of songs. A set of songs can be included in a playlist which is given a name and stored. When the playlist is accessed, the set of songs can be played utilizing various formats such as sequential play or shuffle.

However, the creation of playlists itself becomes problematic as the number of songs increases, since the user often arbitrarily selects songs from a large number of tracks to form a playlist. This selection mechanism: can be fairly tedious; does not necessarily produce playlists that are of interest to the user over the course of time; may not remain up-to-date if new songs are added that logically fit into a previously created playlist (e.g. "Favorites by Band X" might become out of date if a new favorite by Band X is added after the playlist was created); and leads to "lost" songs that are not members of any playlist.

Accordingly, improved techniques for organizing and grouping tracks useful in a portable music player are needed. Further, it is desirable to provide a user interface suitable for a small device. The user interface should allow a user to efficiently navigate among, and select from, many items stored in the device.

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SUMMARY OF THE INVENTION

The present invention provides an efficient user interface for a small portable music player. The invention is suitable for use with a limited display area and small number of controls to allow a user to efficiently and intuitively navigate among, and select, songs to be played. By using the invention, very large numbers of songs can be easily accessed and played.

One aspect of the invention includes an overlapping hierarchy of categories. Categories include items that can also be included in other categories so that the categories "overlap" with each other. Thus, a song title can be accessed in multiple different ways by starting with different categories. For example, a preferred embodiment of the invention uses the top-level categories "Albums", "Artists", "Genres" (or styles), and "Play Lists". Within the Albums category are names of different albums of songs stored in the device. Within each album are the album tracks, or songs, associated with that album. Similarly, the Artists category includes names of artists which are, in turn, associated with their albums and songs. The Genre category includes types of categories of music such as "Rock", "Hip Hop", "Rap", "Easy Listening", etc. Within these sub-categories are found associated songs. Finally, the "Play Lists" category includes collections of albums and/or songs which are typically defined by the user.

Advantageous use is made of the overlapping hierarchy to allow the user to quickly designate a song for playback. The device uses three "soft" pushbuttons that have assignable functions. The interface maintains consistent button functionality whenever possible and uses uniform command names and operations on different types of items so that the interface is more intuitive. For example, the user can open and queue both albums and songs with predictable results.

The interface also provides for multiple functions for a single control. For example, a "Play" button can act, in a first function, to play a currently-selected song. The Play button can act, in a second function, to cycle through different playback modes. The modes can be, e.g., (1) playback of songs from a hard disk; (2) playback of music from a radio receiver built into the device; and (3) playback of voice messages. The first function for the Play button can be activated by momentarily depressing the Play button for a short period of time. The second function is invoked by depressing the Play button for a longer period of time whereupon the

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device cycles through the different modes. Other ways of invoking the functions are possible such as where the second function is automatically entered from a powered-down state.

In one embodiment, the invention provides a method for selecting songs to be played in an electronic audio device, wherein the device includes a display and one or more user input controls, wherein songs are organized into categories, albums, wherein songs and albums are associated with artist names. The method includes steps of displaying categories on the display; accepting signals from a user input control to select a category; displaying one or more songs in the selected category on the display; accepting signals from a user input control to select a displayed song; and entering selected songs into a playlist queue, wherein the device plays back songs in the playlist queue.

According to one aspect of the present invention, a technique is provided for organizing tracks on a portable music player by automatically filing tracks in a hierarchical order based on attributes of the tracks.

According to another aspect of the invention, metadata is associated with each track that is used to automatically define the track's appropriate place in the hierarchy.

According to another aspect of the invention, the hierarchy is displayed on the portable music player so that a user can traverse the organizational hierarchy to find individual tracks or find playlists composed of logical groups of tracks.

According to another aspect of the invention, the hierarchy is derived by using metadata associated with the audio content that was obtained through any source of metadata (e.g. CDDB metadata, id3v2 metadata, other obtainable metadata) and subsequently stored with or alongside the file that stores the track.

According to another aspect of the invention, a file is formatted so that an unaltered track is stored as file data and information about the track is stored in file attribute files.

Other features and advantages of the invention will be apparent in view of the following detailed description and appended drawings.

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BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 is a schematic diagram of a tree structure for hierarchical filing of tracks;

Fig. 2 is a definition file that specifies the hierarchy depicted in Fig. 1;

Fig. 3 is a user's view of the hierarchy;

Fig. 4 is a schematic diagram of a user interface displaying the hierarchical category structure;

Fig. 5 is a diagram of a file format for storing filed data and file attributes;

Fig. 6 is a flow chart depicting steps for filing tracks according to the hierarchical tree structure;

Fig. 7 depicts a tree resulting from searching the tracks;

Fig. 8 depicts a format for a user interface;

Fig. 9 illustrates the NOMAD Jukebox and its user interface controls;

Fig. 10 illustrates a sequence of display screens describing how to navigate to lower levels;

Fig. 11 illustrates associations among items;

Fig. 12 shows display screens used to search for a song or other item;

Fig. 13 illustrates details of different items; and

Fig. 14 illustrates a playback device coupled to a host computer system.

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DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

A preferred embodiment of the invention will now be described in the context of a portable personal player that plays audio files stored in memory. The files may be in MP3, wav. or other digital formats.

In the presently described embodiment, users are able to see the tracks on their player in some organized fashion other than as a single list of tracks. As will be described in more detail below, in one embodiment tracks are sorted utilizing a tree structure having branches labeled according to types of metadata associated with the tracks

For example, a track recorded as "Golden Slumbers" by the Beatles that appears on their album "Hey Jude" might appear as a track under the album "Abbey Road" as well as a track under the list of tracks by the Beatles. It might appear as a track under the genre "Pop Rock" as well as "Songs from the 60's." Furthermore, the organization can have more complex hierarchies. For example, the category of "Pop Rock" might contain subcategories "British Musicians," "American Musicians" and "Other Musicians". In all cases, the track is automatically filed into all appropriate locations without requiring user interaction.

In the currently defined embodiment, a tree structure is defined by a file having the following structure.

The first line of a TreeDef.inf file contains a version number:

V1.0

Each subsequent line (at least in v1.0) contains lines of the following format:

CATEGORY_NAME|TRACK_TYPE_MASK|CATEGORY_STRUCTURE

CATEGORY_NAMEs are the top-level names of the branch under which tracks are sorted. They include things like "Album," "Artist," "Voice Tracks," "All Tracks," etc.

TRACK_TYPE_MASKs tell which types of tracks are to be filed under this particular branch. The actual value is a hexadecimal numerical value (in '0x' format, e.g. 0x01) generated by ORing the following flags together as appropriate:

```
enum tTrackType
{
```


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```
        kTTNothing=0x00,
        kTTSong=0x01,
        kTTVoice=0x02,
        kTTBook=0x04,
        kTTMacro=0x08,
        kTTPlaylist=0x10
};
```

So, for example, the "Album" branch has a TRACK_TYPE_MASK of kTTSong, because only songs are filed under that branch, but the "All Tracks" branch has a TRACK_TYPE_MASK of (kTTSong | kTTVoice | kTTBook).

Other elements might be added to tTrackType (e.g. kTTVideo) as appropriate.

CATEGORY_STRUCTUREs tell how to file the songs based on their metadata information. The CATEGORY_STRUCTURE is a string of characters that tell, from left to right, the order of hierarchy. The characters come from the following enum constants:

```
enum tFileTag
{
        kFTNone='@',
        kFTTrackType='T',
        kFTTitle='N',
        kFTAudioFile='F',
        kFTArtist='M',
        kFTAlbum='L',
        kFTGenre='G',
        kFTSource='S',
        kFTYear='Y',
        kFTArtistCountry='C'
};
```


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Thus, a CATEGORY_STRUCTURE of LN tells to create a subcategory that is a list of Albums, each of which contains a list of Tracks.

In total, a line like:

Album|0x01|LN

Says to create a branch called "Album" which contains tracks of type kTTSong organized first by album name, and then by track name.

The following is an example of a tree definition file similar (though not identical) to the hierarchy presented in the Nomad Jukebox product (the 'B' before each FileTag was used to identify that these are basic tags so that we wouldn't run out of letters in the alphabet as we included more complex metadata – thus each group of two letters represents a level in the hierarchy):

V1.0
Album|0x01|BLBN
Artist|0x01|BMBN
Genre|0x01|BGBN
Voice Tracks|0x02|BSBGBN
Playlists|0x10|BN
Macros|0x08|BN
All Tracks|0x07|BN

Fig. 1 depicts a hypothetical organization hierarchy. The tree shows how tracks might be listed (as leaves in the tree) after having been organized. Example values for nodes in the tree are shown as well. The same track may appear more than once as a leaf in the tree, as described above, if it fits into multiple categories (e.g. a song that appears on the Abbey Road branch would also appear in the Beatles branch). In the example shown, the first branch contains tracks organized by album. As shown in the example, this music collection contains three tracks from "Abbey Road" and three tracks from "Hits from the 60's". The second branch contains tracks organized by artist, and sub organized by where the artist is from. Thus, a user browsing would first select the "Artists" branch and then choose between "British Artists" and "American Artists". Finally, they would select the particular artist. In the third branch, all tracks are shown.

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The tree definition file that would specify the hierarchy shown in Figure 1 is shown in Figure 2.

The first line identifies the version of the tree definition file.

The second line defines the "Albums" branch. The first part of the line, "Albums" defines the name of the branch. The second part, "0x01," defines that all musical tracks should be categorized on this branch. The third part, "BLBN," defines that the branch lists first the names of all albums (BL) and then tracks on those albums (BN).

The third line defines the "Artists" branch. The first part of the line "Artists" defines the name of the branch. The second part, "0x01," defines that all musical tracks should be categorized on this branch. The third part, "BCBMBN," defines that the branch lists first the names of all countries where artists in this collection come from (BC) and under those items, the artists' names (BM), and then tracks by those artists (BN).

Fig. 3 shows what a user's view of this hierarchy might be if he/she were shown a fully expanded view of the 6-song tree. Notice that each song appears three times, once in each branch.

In consumer products the tree define file is not edited directly but through a user interface, one example of which is depicted in Fig. 4. An example of a user interface for viewing songs by category and editing the tree structure is depicted in Fig. 4.

An embodiment of the invention is utilized in the Nomad® Jukebox, manufactured by the assignee of the present invention, and described more fully in the copending application, filed on the same date as the present application, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," (Attny. Docket No. 17002-020800).

In a preferred embodiment, metadata is associated with each track and includes such information as title, genre, artist name, type, etc. In the preferred embodiment, software stored in a portable player and executed by the onboard processor automatically files each track in the correct category utilizing the associated metadata and the tree define file. The program code can be stored in any computer readable medium including magnetic storage, CD ROM, optical media, or digital data encoded on an electromagnetic signal.

Thus, the user is automatically provided with a powerful and flexible tool for organizing and categorizing the tracks stored on the portable player.

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If the tracks are formatted in MP3 format the metadata can be stored in ID3 tags included in the MP3 file. In one embodiment of the invention, the tracks are stored in alternate file format including file data and file attributes. The file data is the music track itself and the file attributes part of the file includes fields of arbitrary size which are used to store metadata characterizing the track stored as the file data. Again this metadata includes information about the track such as title, genre, artist name, type, etc.

There are several advantages to using the alternate file format. Metadata of types not easily included in an ID3 tag can be utilized. Further, the original track format is not changed, so that error correction data such as checksums are valid. Finally, any file format can be used (e.g. WAV, WMA, etc.) because the metadata is stored separately, and thus audio formats that have limited support for metadata can still be stored on the portable player in native format without transcoding. The formatted files are formed by software stored in the portable music player and executed by an on-board processor.

The metadata for each track is utilized to file each track, using the categories defined in the hierarchical structure as described above, without any input from the user.

Fig. 5 is a schematic diagram of the alternative file format including file data in the form of an MP3 track, and metadata fields for holding data indicating the name of the album the track is from, the name of the song, the genre of the song, and the type of track.

A particular embodiment of a file format will now be described. All tracks are created with some set of attributes as shown below:

Definition of TrackInfo Data Field

Field	Offset	Size	Description
Attribute Count	0	2	The number of attribute follow for the track
Attr 1 type	2	2	Binary = 0, ASCII = 1
Attr 1 name len	4	2	Length of attribute name string
Attr1 data len	6	4	Length of attribute data
Attr1 Name	10	N	Attribute name string
Attr 1 Data	10+N	M	Attribute data

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....			
....			
Attr N type			
Attr 1 name len			
Attr1 data len			
Attr1 Name			
Attr 1 Data			

Required Attributes

Attribute Name	Value(s)	Remarks
TITLE	ASCII string	Required By Jukebox
CODEC	"MP3", "WMA", "WAV"	Required By Jukebox
TRACK ID	DWORD	Set By Jukebox
ALBUM	ASCII string	Optional
ARTIST	ASCII string	Optional
GENRE	ASCII string	Optional
LENGTH	In seconds	Optional
TRACK SIZE	In bytes	Optional
TRACK NUM	1-n (track within album)	Optional

These attributes can be subsequently changeable via a host application, running on a personal computer connected to the portable music player.

Fig. 6 shows a flow chart of an embodiment the process used to build the hierarchical database of tracks. It starts by iterating through each track, and, for each track, iterating through each branch to find if the track belongs on the branch, and, if so, where. In this

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case, the term track could refer to any content, e.g. a music track, a spoken word track, or even a video track.

Also, the hierarchical catalog of tracks can be used to form playlists in a structured manner. For example, if a user wants to hear Jazz and Blues the entire sub-categories can be selected to form one playlist.

An alternative hierarchical catalog generation technique will now be described. In this alternative embodiment, at system startup and as tracks are added or changed, the hierarchy is generated as an in-memory tree structure. Each track is added to the tree using the categories ALBUM, ARTIST and GENRE.

The following example shows the algorithm for adding a track. For clarity, only the attributes used by the tree are shown.

TITLE	"Free Falling"
ALBUM	"Full Moon Fever"
ARTIST	"Tom Petty"
GENRE	"Rock"
TRACK NUM	1

The following function is executed to build the in-memory memory tree.

```
Build Tree ()
For each track,
        Add Track To Category(Album, Track)
        Add Track To Category(Artist, Track)
        Add Track To Category(Genre,Track)
End of Build Tree
```

Fig. 7 depicts a tree which could result from implementing Build Tree() function. Note that "Stardust" does not have any entries for Album or Artist. The host software running

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on a computer connected to the portable music player could be utilized to add missing attributes to the "Stardust" track and, optionally, edit the title attribute. The Build Tree() function would then reinsert this track in the correct location in the tree.

Fig. 8 is an embodiment of a user interface according to another embodiment of the invention. In this example the root node is labeled "My Configuration" and the Playlist category has been selected and the Playlist subcategory "Meddle" has been selected. Note that the types of Metadata, in this example, Track Name, Artist, Album, Tempo and Dance, are listed across the top of the screen, and the attribute values for each track are listed in a row across the screen. Various control buttons are displayed to the right of configuration window that facilitate quickly invoking selected processing on a selected track.

As noted above, a preferred embodiment of the present invention is incorporated into a product manufactured and distributed by Creative Technology, Ltd. The product is called the "NOMAD Jukebox." The following description describes further details of the display screens and interface controls.

Fig. 9 illustrates the NOMAD Jukebox and its user interface controls.

In Fig. 9, electronic audio device 100 measures about 5.5" wide by 5.5" tall by 1" thick. Display screen 102 is about 2" wide by 1" tall. Display screen 102 includes different regions such as main region 104 and soft button function description region 106.

Three soft buttons are located at 108; including buttons 110, 112 and 114. The specific command, or function, that any of the soft buttons perform when depressed is indicated by the label in soft button function description region 106. Thus, the function of soft button 112 (as shown in Fig. 9) is "open," the function of soft button 114 is "search" while soft button 110 is currently not assigned a function.

The other eight buttons on device 100 perform essentially the same functions at all times. In other words, they are not subject to function changes according to soft button function description area 106. These buttons include Library button 116, EAX and System button 118, Skip Backward button 120, Play button 122, Stop button 124, Skip Forward button 126, Scroll Up button 128 and Scroll Down button 130. However, as discussed below, these buttons (or any type of controls used with the device) can include alternate functionality that is invoked in different ways.

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The device uses visual cues, or indicators, in the display. When an item is highlighted it indicates that the item is the "current" item, or currently-selected item, which is susceptible to be operated on by a subsequent user action – such as playback, or expansion of the item. In Fig. 1, screen 102 shows that the item, "ALBUMS," is highlighted. The highlighted item can be acted upon by using the soft buttons, or another button, as discussed below. The current item can be changed by using Scroll Up button 128 and Scroll Down button 130 to move the highlight up or down, respectively, throughout a list of displayed items.

Icons are used to provide additional visual cues for an item. In Fig. 1, each of the categories has a category icon to the left of it. The category icon, which may not be distinctly visible in the Figure, illustrates a first box connected by lines to additional boxes below the first box. The icon depicts a hierarchy and illustrates the property of categories, i.e., that categories can contain additional categories, songs or other items.

Fig. 10 illustrates a sequence of display screens describing how to navigate to lower levels.

In Fig. 10, library category screen 150 shows the display as it appears when the user depresses library button 116 of Fig. 9. A preferred embodiment of the device uses 4 first-level categories. These are "Albums", "Artists," "Styles" and "Play Lists". Each of these categories can "contain," or be associated with, other categories, songs, or items.

Note that in library category screen 150 ALBUMS is currently highlighted. By depressing soft button 112 of Fig. 9, the "open" command is performed on the highlighted category, as indicated by the labeling of soft button 112 and soft button function description area 152 of Fig. 10.

Lists screen 154 is displayed as a result of a user opening the Albums category of library category screen 150. Lists screen 154 shows items within the Albums category such as commercial albums of multiple songs from a record label, pre-made lists or collections created by a user, or other predefined lists or collections of songs or recordings.

In Fig. 10, lists screen 154 shows each item as a list of songs. This is shown visually by the icon to the left of each item which depicts a miniature list. Possible soft button commands are "Close", "Open" and "Queue". These commands correspond to soft buttons 110, 112 and 114, respectively. If the user selects the Close command, the display reverts to library category screen 150. If the user selects the Open command, the display shows tracks screen 156.

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Alternatively, the user can select the Queue command to instruct the device to place all the songs from the selected (i.e., highlighted) list into the play list for eventual playback. Yet another option allows the user to press play button 122 of Fig. 9 to cause any currently-selected songs or a list of songs (e.g., an album) to immediately be played.

Returning to Fig. 10, tracks screen 156 shows that a single song called "JukeBox Demo" is in the list. The list is also called JukeBox Demo as shown in lists screen 154. Tracks screen 156 shows possible soft commands assigned to buttons, namely "Close", "Details" and "Queue." The Close button performs the same function as before -- it returns the user to the previous screen which, in this case, is lists screen 154. The user can also select the Details command to cause details of the song JukeBox Demo to be displayed in details screen 158 as shown in Fig. 10. The user can select the Queue command by soft button 114 to enter the selected song into the play list queue. As before, the user can also depress play button 122 of Fig. 9 to cause immediate playback of the selected song.

Details screen 158 shows information about the selected song including the name of the song, album (or list) name containing the song; the track number, if applicable, and track duration. Note that other information can be included. The user can preview the song, close the Details screen to return to the Tracks screen or queue the song on the play list queue.

The device provides the ability to "preview" audio files even while a current song, or playlist, is being played. When a user chooses to preview an audio file, the audio file is played for about 10 seconds while any currently-played file or playlist is suspended. After previewing is complete, the suspended file or playlist resumes playback. In other embodiment, the preview duration can vary, or be stopped by user selection.

Fig. 11 illustrates associations among items.

In Fig. 11, song 168 is one of many songs stored in the device. Categories such as albums 160, artists 162, play lists 164 and genres 166 each include sub-categories. For example, albums 160 includes the names of various albums. Songs are associated with albums, genres and playlists. Such association can be by using pointers, a data structure including items to be associated, etc. "Association" as used herein, includes a first item associated with a second item; and the second item associated with the first item. In other words, albums can be associated with one or more songs in the database of the device so that an automated search to find all songs

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associated with an album is easier. The direction of arrow pointers in Fig. 11 is not intended to limit the manner of associations among items in the present invention.

Similar to albums, the category of artists 162 includes names of artists, or performers, of songs. Each artist name is associated with one or more songs in the database. Playlists 164 includes names of playlists. These are collections of songs that can be defined by the user, the device manufacturer, or others. Each playlist can be associated with one or more songs. Genres 166 includes various styles of music which are associated with one or more songs in the database. Note that items can exist without being associated with a song. Also, items can be associated with other items as where an artist name is associated with the albums containing the songs that the artist has created.

Although not shown in Fig. 11, items can have additional information, such as properties, details, etc., associated with the item. For example, a song can have information such as play time, artist name, artist album, copyright owner, etc., associated with the song.

Fig. 12 illustrates display screens used to search for a song or other item.

In Fig. 12, screen 180 is the initial library screen, as discussed above. If the user invokes the Search command (via the appropriate soft button) with Albums selected then screen 182 is displayed. Note that the search function can be applied to any of the categories. The user can depress the Plus or Minus soft buttons to cycle through the alphabet and change the character in the current location as indicated by the cursor. The cursor position is changed by using the scroll up/scroll down buttons 128 and 130, respectively, of Fig. 9. As each letter is entered the letters are compared and the nearest match of the stored albums' names is displayed as shown in screen 184. When the desired match is displayed the user selects the Go! command.

Screen 186 shows the result of selecting the Go! command. A list of albums is displayed with the matched album centered and selected. The user can close, open or queue the album as discussed above.

Fig. 13 illustrates details of different items.

In Fig. 13, screen 200 illustrates details displayed as a result of selecting the "Details" command from soft button 1A track is selected. Screen 200 shows that details of the track "Jukebox Demo" shows the name of the album that the track resides on, the creator, or copyright owner, of the track, and the playing time of the track.

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Screen 202 illustrates details of an item on the active queue list. Items are placed onto the active queue list by selecting the "Queue" command when an album, song, track, or other item is selected, as discussed above. For example, screen 204 shows the active queuelist where the track "Jukebox Demo" is selected. By invoking the "Details" command screen 202 is brought up to show details of the Jukebox Demo track.

As shown in screen 202, the Detail screen shows what track number the selected track is, which album the track is from; the creator, or copyright owner, of the track, and the title of the track. Additionally, the details for an item on the queue list also show playback settings. These are shown by two-letter abbreviations at the bottom of the screen. The settings are as show in Table I, below.

EA	Environmental Preset
EQ	Parametric EQ
HS	Headphone Spatialization
TS	Time Scaling
4S	Four Channel Speaker Sound (only if speakers are connected)

TABLE I

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These settings have their common meanings, as is known in the art. Note that the setting 4S is not shown in screen 202 as it is not currently active.

Fig. 14 illustrates the Nomad Jukebox coupled to a host computer system.

In Fig. 14, device 300 (e.g., the Nomad Jukebox) is coupled to host system 302. In a preferred embodiment host system 302 is a personal computer, such as an IBM-PC compatible computer. Host system 302 includes a user interface having display 304 and user input devices such as keyboard 306 and mouse 308. In other embodiments the host system need not be a full computer system. Any type of processing system having a user interface is possible. For example, it is possible to couple the device to a laptop computer, game console, web-enabled television, or any consumer electronic device or digital platform, in general. The host user interface need not provide a display and can be much more minimal than the keyboard and mouse shown in Fig. 14. A preferred embodiment of the invention uses a Universal Synchronous Bus (USB) connection but any type of connection such as IEEE 1394 (FireWire), Ethernet, Serial Port, etc. can be used. A wireless (i.e., optical or radio frequency) connection can be used.

Once device 300 is coupled to host system 302, a user of host system 302 can launch a bridge interface to allow for the transfer of files between device 300 and host system 302. In a preferred embodiment, once the bridge interface is launched, the controls of device 300 are inoperable. The user interface of host system 302 is used to operate the bridge interface to transfer files.

The invention has now been described with reference to the preferred embodiments. Alternatives and substitutions will now be apparent to persons of skill in the art.

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CLAIMS

What is claimed is:

1. A method of navigating through a plurality of tracks, the method comprising:

accessing a first hierarchy level of metadata associated with the plurality of tracks;

accessing a second hierarchy level of the metadata in response to a selection from the first hierarchy level; and

either accessing a third level of the hierarchy in response to the selection from the second hierarchy level or selecting at least one track from the second hierarchy level, wherein data pertaining to respective ones of the first, second, and third hierarchy levels are presented in sequential screens, each sequentially presented screen replacing the previously presented screen.

2. The method as recited in claim 1 wherein the plurality of tracks are music tracks.

3. A method for accessing tracks as recited in claim 1, wherein in the first screen the selections available in the listing are one of listings of genre type, listing of album names, listing of artist names selected previously.

4. A portable media player having a plurality of tracks stored therein, the media player comprising:

a display screen;

a user interface; and

a processor configured to present sequentially a first and second display screen on the display of the media player, the plurality of tracks accessed from a hierarchy of metadata, the hierarchy having a plurality of categories, subcategories, and items respectively in descending levels of the hierarchy; wherein the portable media player is configured to:

select at least one member from a first level of the hierarchy in the first display screen of the portable media player;

display an expansion of the selected member in a listing presented in the second display screen; and

select a second member from the expansion in the second display screen ; and

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display an expansion of the selected second member a third display screen; and accessing at least one track based on a selection made in the second display screen.

5. The portable media player as recited in claim 3 further configured to display an expansion of the selected second member in a third display screen and wherein accessing at least one track is based on a selection made in the third display screen.

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AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

ABSTRACT OF THE DISCLOSURE

A method, performed by software executing on the processor of a portable music playback device, that automatically files tracks according to hierarchical structure of categories to organize tracks in a logical order. A user interface is utilized to change the hierarchy, view track names, and select tracks for playback or other operations. The user interface uses an overlapping hierarchy of categories. A song title can be accessed in multiple different ways by starting with different categories. A preferred embodiment of the invention uses the top-level categories "Albums", "Artists", "Genres" (or styles), and "Play Lists". Within the Albums category are names of different albums of songs stored in the device. Within each album are the album tracks, or songs, associated with that album. Navigation is performed by presenting a sequence of display screens for each level of the hierarchy.

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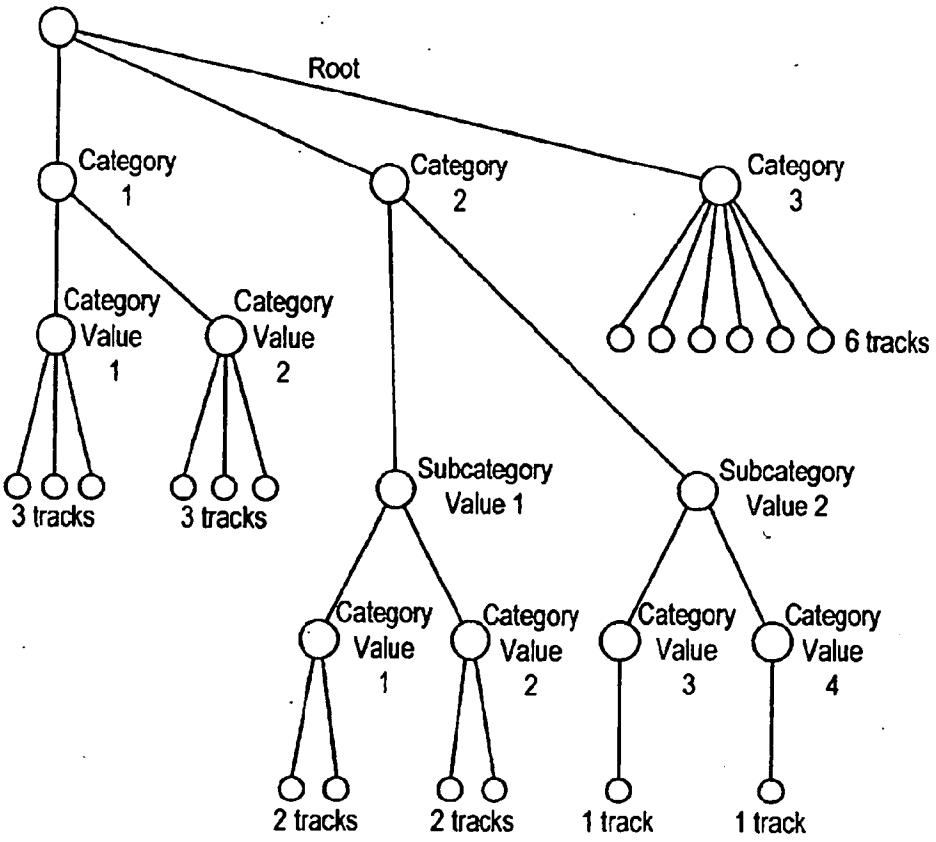

For example:

Category 1 = Album Name

Category Value 1 = Abbey Road

Category Value 2 = Hits from the 60's

Category 2 = Artist Name

Subcategory Value 1 = British Artists

Subcategory Value 2 = American Artists

Category Value 1 = The Beatles

Category Value 2 = Petula Clark

Category Value 3 = Mamas and the Papas

Category Value 4 = Nick Drake

Category 3 = All tracks

FIG. 1.

V1.0
Albums|0x01|BLBN
Artists|0x01|BCBMBN
All Tracks|0x01|BN

FIG. 2.

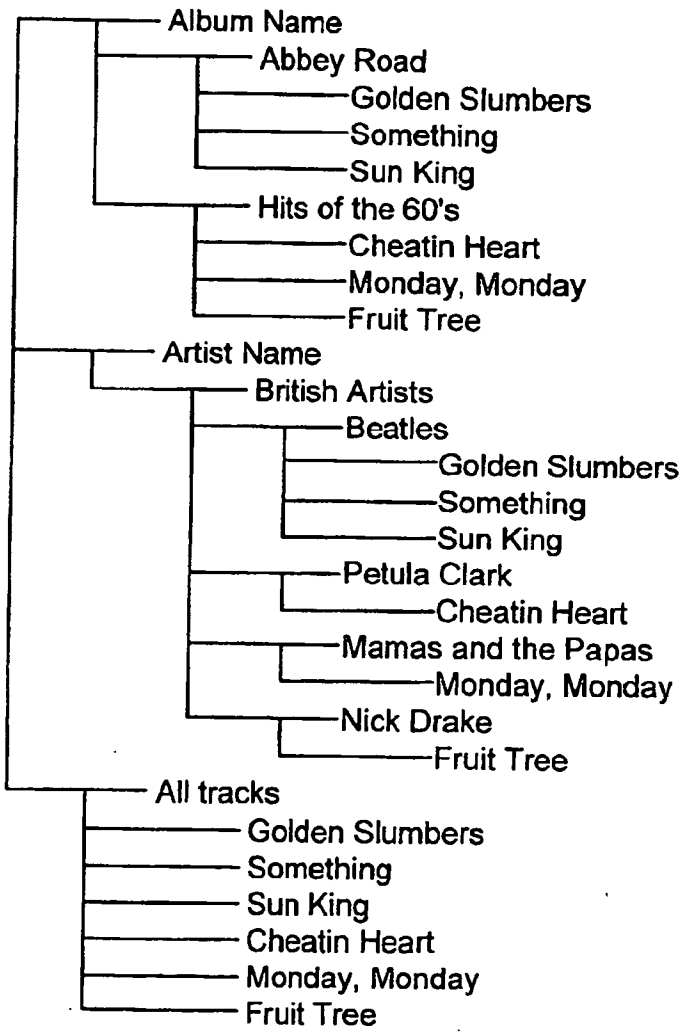

FIG. 3.

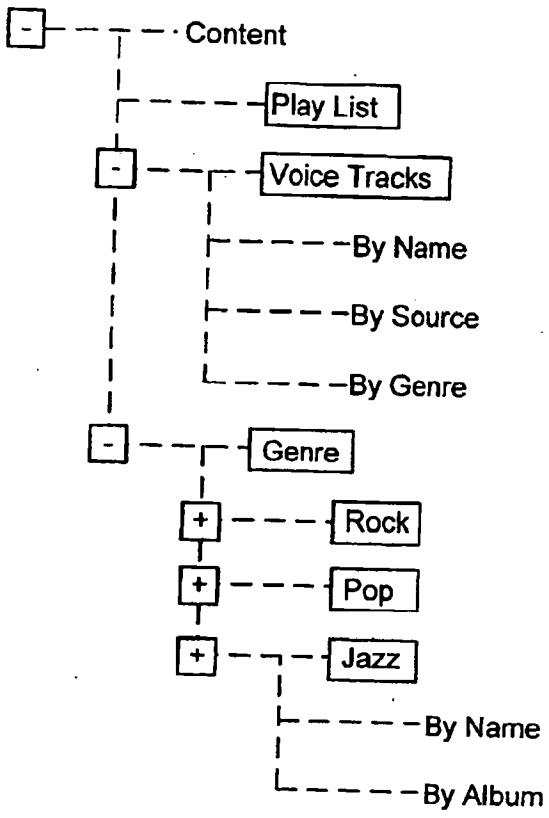
Content
Play List
Voice Tracks
By Name
By Source
By Genre
Genre
Rock
Pop
Jazz
By Name
By Album

FIG. 4.

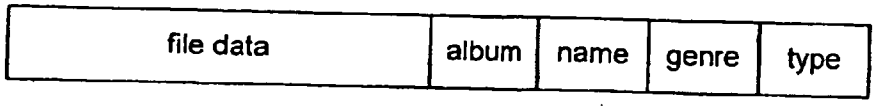
file data
album
name
genre
type

FIG. 5.

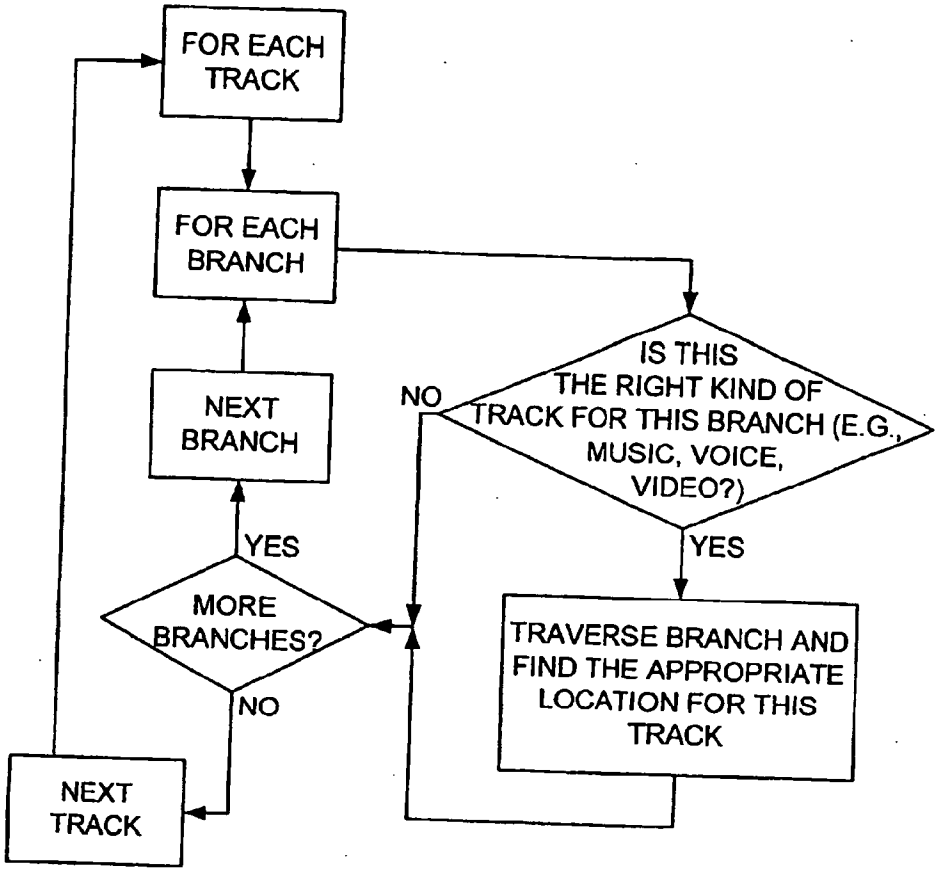
FOR EACH TRACK
FOR EACH BRANCH
IS THIS THE RIGHT KIND OF TRACK FOR THIS BRANCH (E.G., MUSIC, VOICE, VIDEO?)
NO
YES
NEXT BRANCH
YES
MORE BRANCHES?
NO
TRAVERSE BRANCH AND FIND THE APPROPRIATE LOCATION FOR THIS TRACK
NEXT TRACK

FIG. 6.

Albums	Full Moon Fever	Free Falling	
		I Won't Back Down	
		Love Is A Long Road	
	Graceland	The Boy In The Bubble	
		Graceland	
	Hotel California	Hotel California	
		New Kid In Town	
	Unknown (Created for items without Album attribute)	Track 1	
		Stardust	
Artist	Tom Petty	Full Moon Fever	Free Falling
			I Won't Back Down
			Love Is A Long Road
	Eagles	Hotel California	Hotel California
			New Kid In Town
	Paul Simon	Graceland	The Boy In The Bubble
			Graceland
Genre	Rock	Full Moon Fever	Free Falling
			I Won't Back Down
			Love Is A Long Road
		Hotel California	Hotel California
			New Kid In Town
		Graceland	The Boy In The Bubble
			Graceland

FIG. 7.

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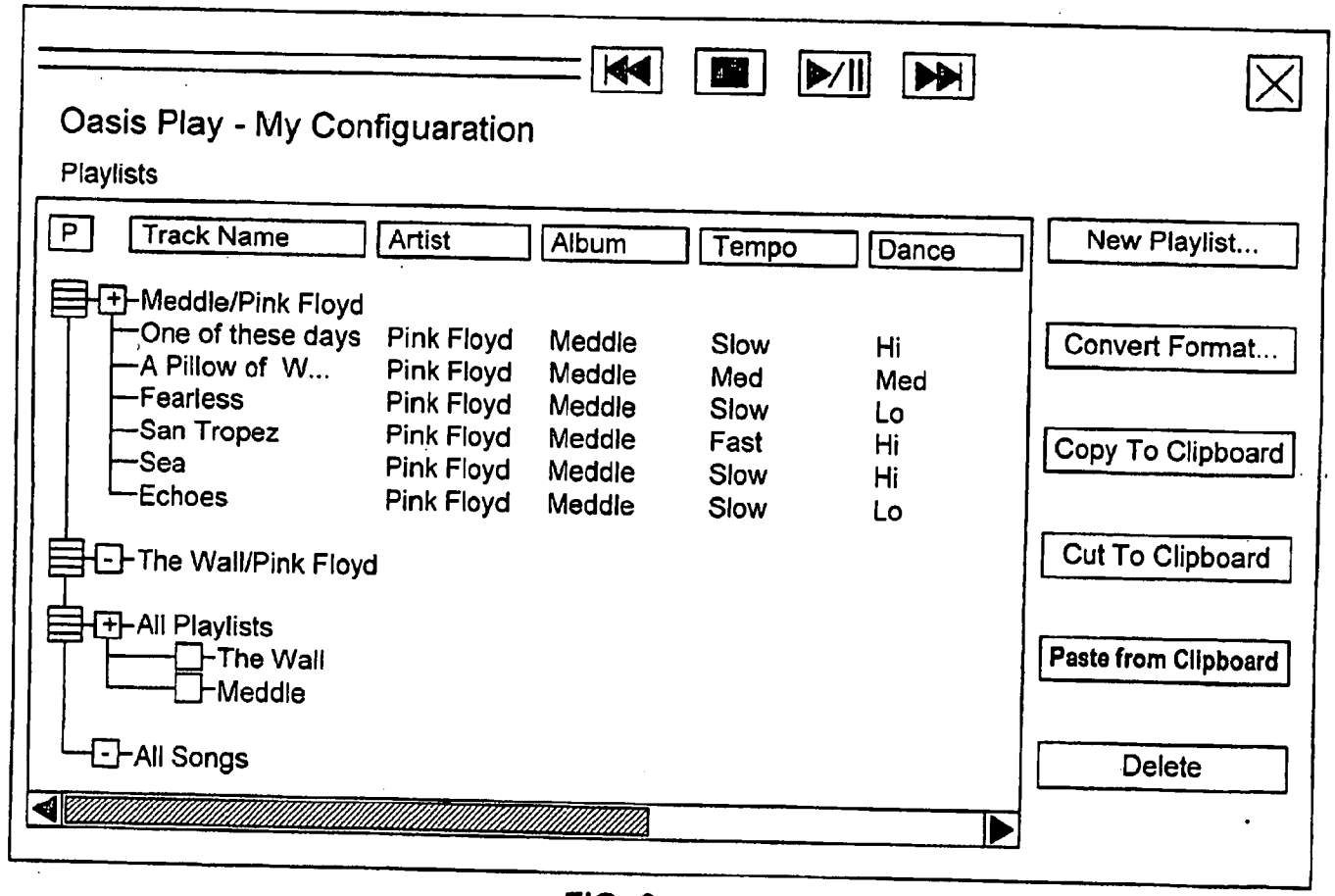

FIG. 8.

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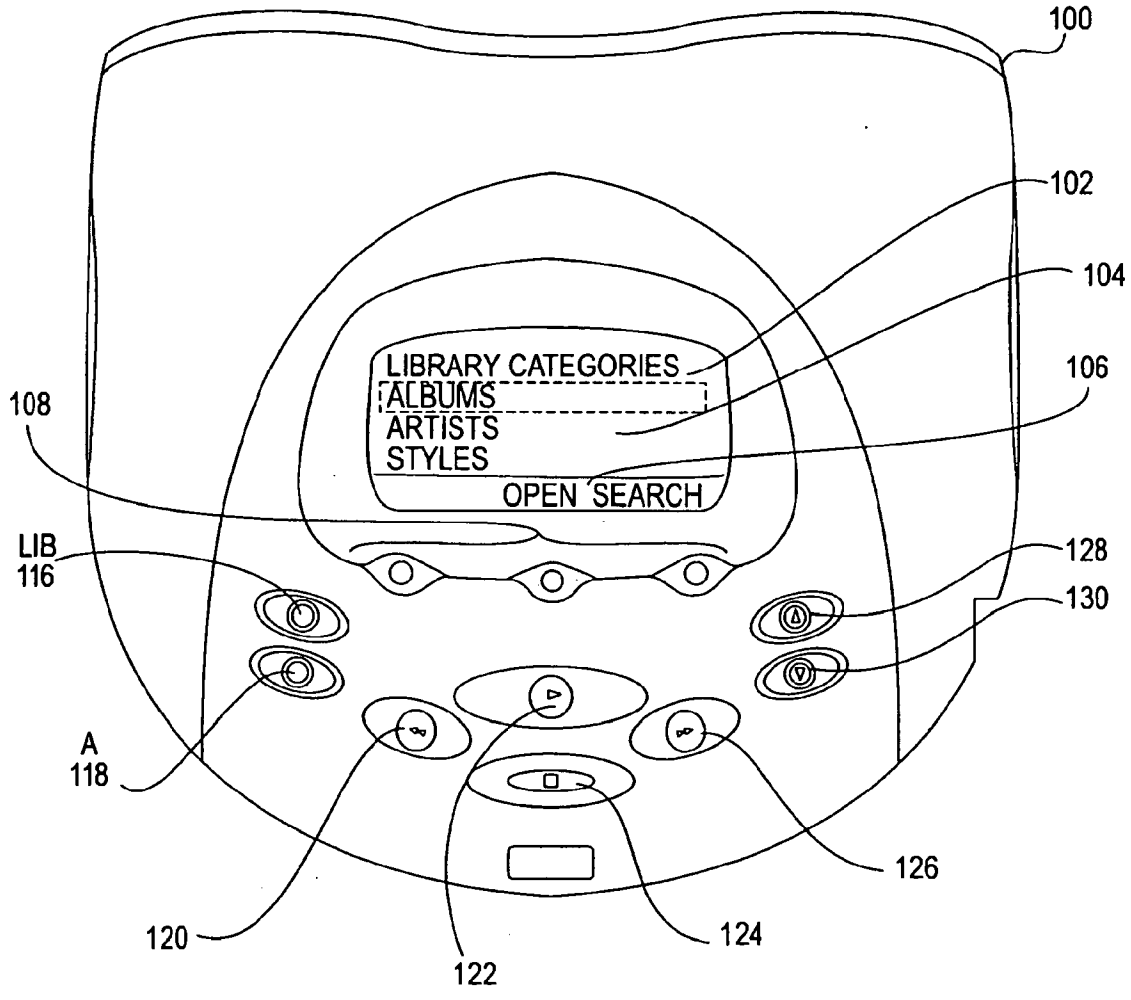

100
102
104
106
108
LIBRARY CATEGORIES
ALBUMS
ARTISTS
STYLES
OPEN SEARCH
LIB
116
128
130
A
118
126
120
122
124

FIG. 9

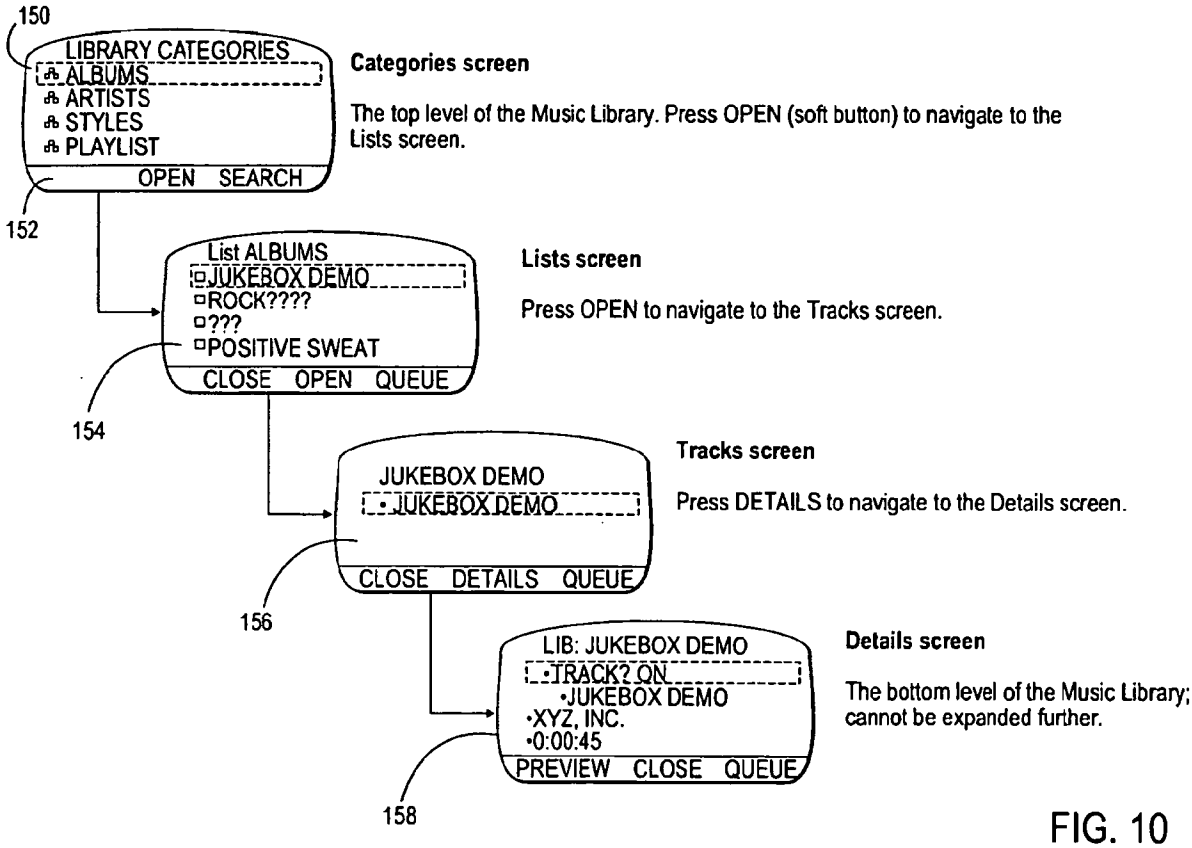

150
LIBRARY CATEGORIES
ALBUMS
ARTISTS
STYLES
PLAYLIST
OPEN SEARCH
152
Categories screen
The top level of the Music Library. Press OPEN (soft button) to navigate to the Lists screen.
List ALBUMS
JUKEBOX DEMO
ROCK????
???
POSITIVE SWEAT
CLOSE OPEN QUEUE
154
Lists screen
Press OPEN to navigate to the Tracks screen.
JUKEBOX DEMO
JUKEBOX DEMO
CLOSE DETAILS QUEUE
156
Tracks screen
Press DETAILS to navigate to the Details screen.
LIB: JUKEBOX DEMO
TRACK? ON
JUKEBOX DEMO
XYZ, INC.
0:00:45
PREVIEW CLOSE QUEUE
158
Details screen
The bottom level of the Music Library; cannot be expanded further.

FIG. 10

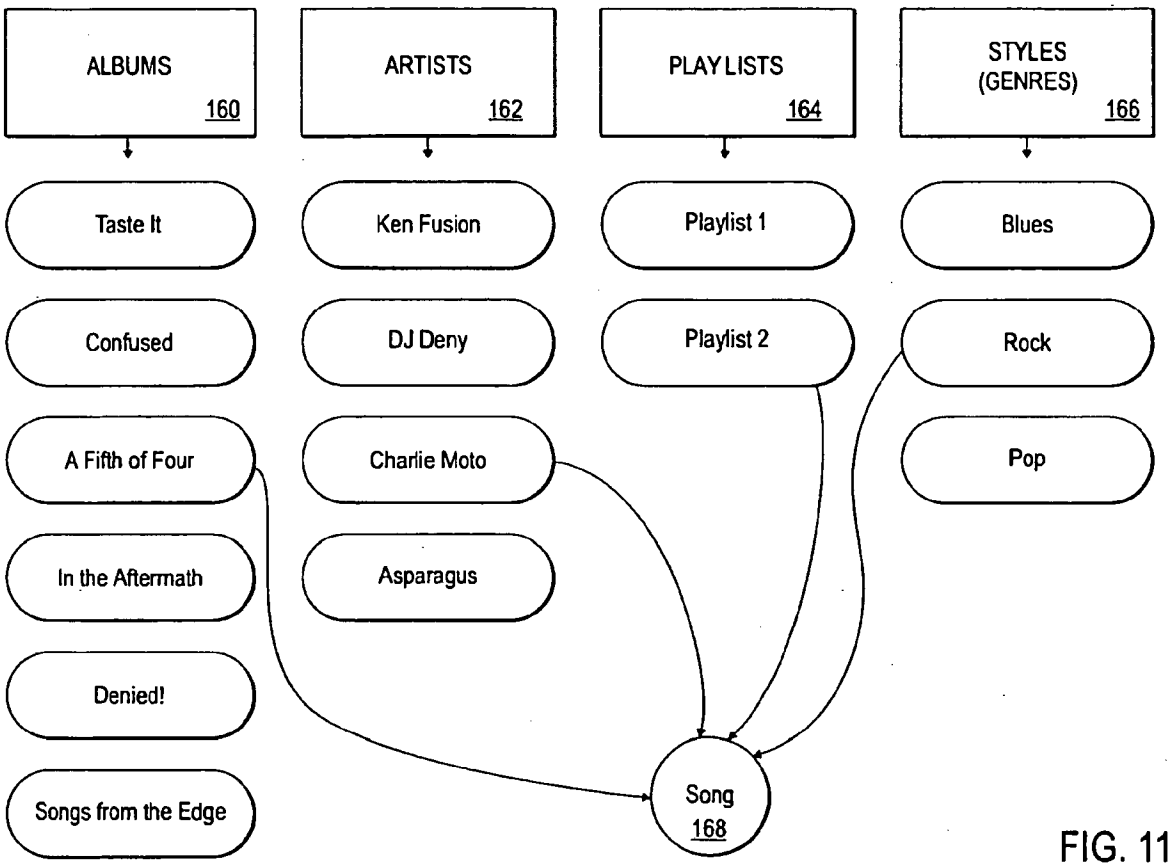

ALBUMS
160
ARTISTS
162
PLAY LISTS
164
STYLES
(GENRES)
166
Taste It
Confused
A Fifth of Four
In the Aftermath
Denied!
Songs from the Edge
Ken Fusion
DJ Deny
Charlie Moto
Asparagus
Playlist 1
Playlist 2
Blues
Rock
Pop
Song
168

FIG. 11

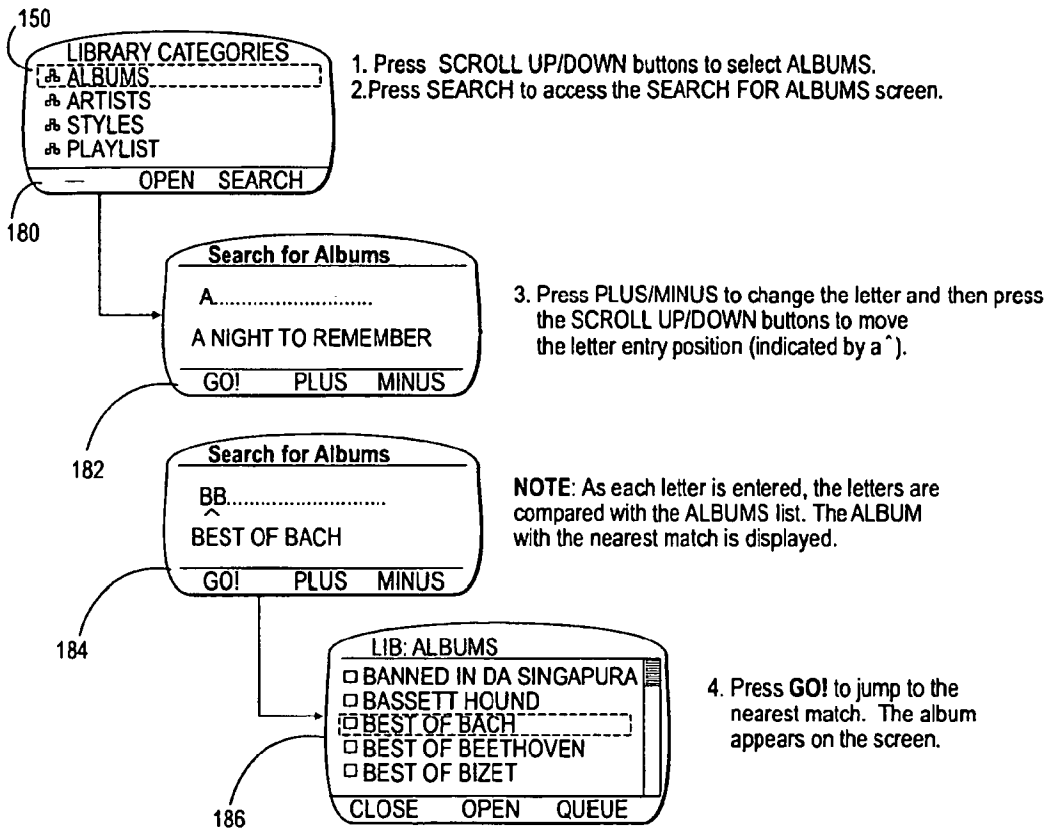
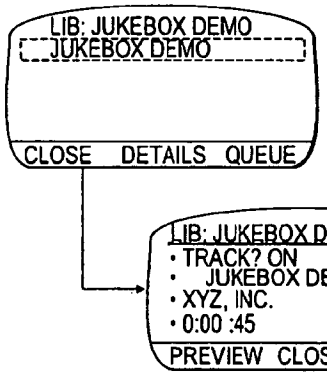
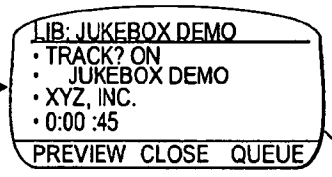

150
LIBRARY CATEGORIES
ALBUMS
ARTISTS
STYLES
PLAYLIST
OPEN SEARCH
180
1. Press SCROLL UP/DOWN buttons to select ALBUMS.
2.Press SEARCH to access the SEARCH FOR ALBUMS screen.
Search for Albums
A.....
A NIGHT TO REMEMBER
GO! PLUS MINUS
182
3. Press PLUS/MINUS to change the letter and then press the SCROLL UP/DOWN buttons to move the letter entry position (indicated by a ^).
Search for Albums
BB.....
BEST OF BACH
GO! PLUS MINUS
184
NOTE: As each letter is entered, the letters are compared with the ALBUMS list. The ALBUM with the nearest match is displayed.
LIB: ALBUMS
BANNED IN DA SINGAPURA
BASSETT HOUND
BEST OF BACH
BEST OF BEETHOVEN
BEST OF BIZET
CLOSE OPEN QUEUE
186
4. Press GO! to jump to the nearest match. The album appears on the screen.

FIG. 12

View DETAILS accessed from the TRACKS screen:

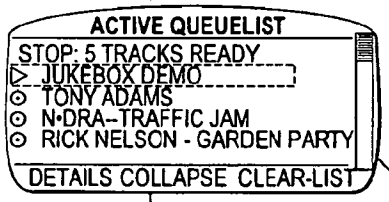


1. Press DETAILS. The DETAILS screen displays the Track Order, Album, Artist, and duration of the track.

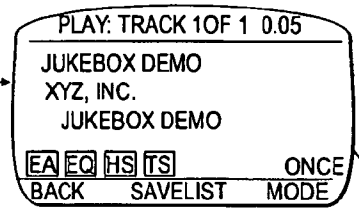


2. Press CLOSE to return to the TRACKS screen.

Viewing DETAILS accessed from the ACTIVE QUEUE LIST screen:



1. Press DETAILS. The DETAILS screen displays the Track Title, Artist, Album together with Audio Playback settings (see note below) and Play Mode (see "Setting Play Mode" on page 16).



2. Press BACK to return to the ACTIVE QUEUE LIST screen.

FIG. 13

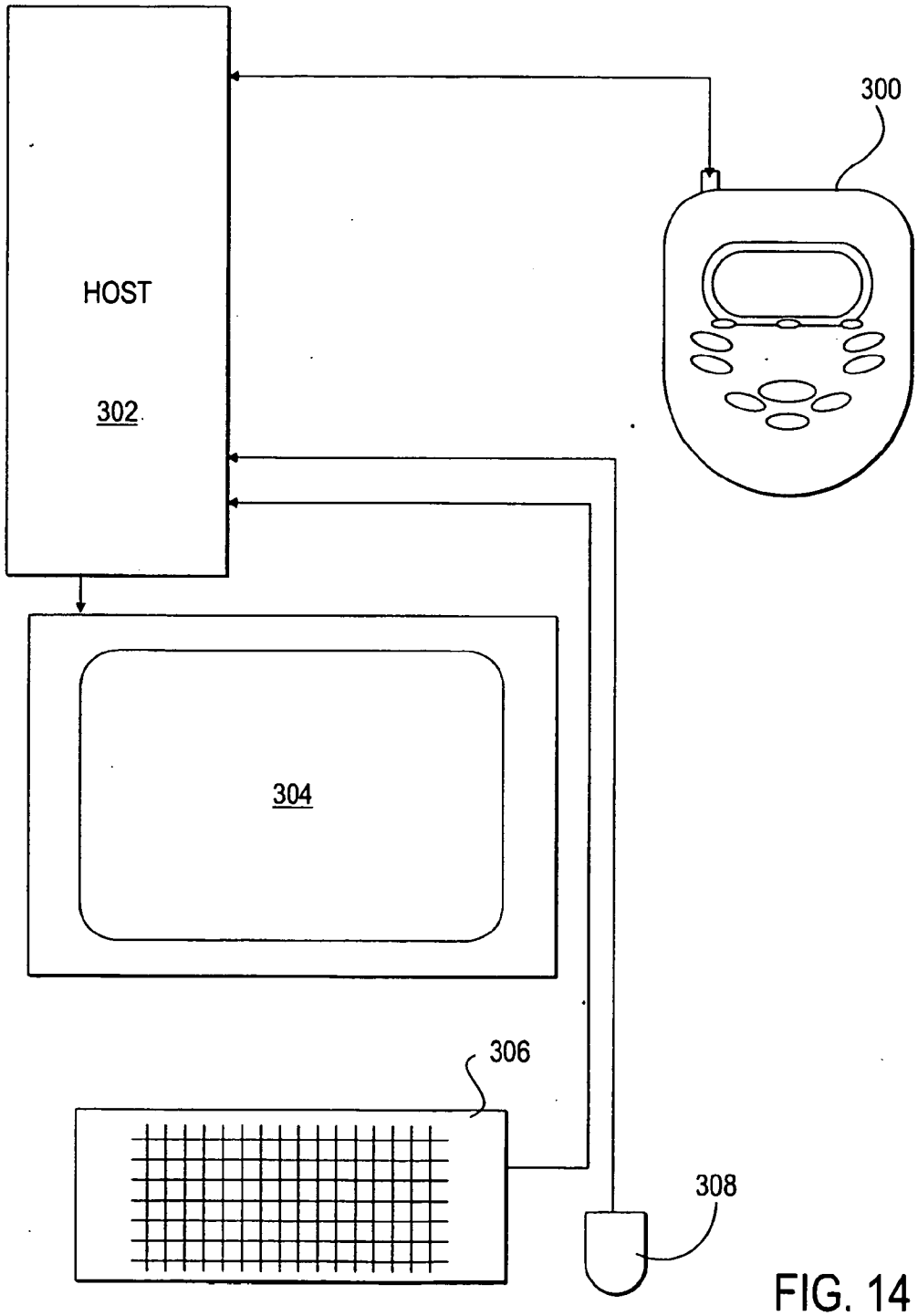


FIG. 14

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION — **ATTORNEY DOCKET NO. 6407P212**

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 the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

the specification of which is attached hereto unless the following box is checked:

(X) was filed on January 5, 2001 as US Application Serial No. or PCT International Application Number 09/755,723 and was amended on 4/30/2004 (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 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:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES:____ NO:__
			YES:____ NO:__

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 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 Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the practitioners associated with Customer No. 40032 as my patent attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to:	Direct Telephone Calls To:
P. Francois de Villiers **Customer No. 40032** Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	Russell N. Swerdon (408) 428-6600

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.

Full Name of Inventor: Ron GOODMAN Citizenship: UNITED STATES

Residence: 226 Jeter Street, Santa Cruz, CA USA 95060

Post Office Address: Same

Ron Goodman

Inventor's Signature

July 7, 2004

Date

SONY Exhibit 1004 - Page 3823

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (continued)

ATTORNEY DOCKET NO. 6407P212

Full Name of Inventor: Howard N. EGAN Citizenship: UNITED STATES

Residence: 219 Elinor Street, Capitola, CA 95010 USA

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Inventor's Signature Date: July , 2004

Full Name of Inventor: David BRISTOW Citizenship: UNITED KINGDOM

Residence: 5988 NE Tolo Road, Bainbridge Island, WA 98110

Post Office Address: Same

Inventor's Signature Date: July , 2004

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature Date

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION — ATTORNEY DOCKET NO. 6407P212

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 the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA
the specification of which is attached hereto unless the following box is checked:
(X) was filed on January 5, 2001 as US Application Serial No. or PCT International Application Number 09/755,723 and was amended on 4/30/2004 (if applicable).
I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority
I hereby claim foreign priority benefits under Title 35, United States Code Section 119 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:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES:___ NO:___
			YES:___ NO:___

Provisional Application
I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

U.S. Priority Claim
I hereby claim the benefit under Title 35, United States Code, Section 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 Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

POWER OF ATTORNEY:
As a named inventor, I hereby appoint the practitioners associated with Customer No. 40032 as my patent attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to:	Direct Telephone Calls To:
P. Francois de Villiers Customer No. 40032 Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	Russell N. Swerdon (408) 428-6600

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.

Full Name of Inventor: Ron GOODMAN Citizenship: UNITED STATES

Residence: 226 Jeter Street, Santa Cruz, CA USA 95060

Post Office Address: Same

_____ July 7, 2004
Inventor's Signature Date

SONY Exhibit 1004 - Page 3825

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (continued)

ATTORNEY DOCKET NO. 6407P212

Full Name of Inventor: Howard N. EGAN Citizenship: UNITED STATES

Residence: 219 Ellnor Street, Capitola, CA 95010 USA

Post Office Address: Same

Inventor's Signature

July 7, 2004
Date

Full Name of Inventor: David BRISTOW Citizenship: UNITED KINGDOM

Residence: 5988 NE Toto Road, Bainbridge Island, WA 98110

Post Office Address: Same

Inventor's Signature

July , 2004
Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor: Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION — ATTORNEY DOCKET NO. 6407P212

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 the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

the specification of which is attached hereto unless the following box is checked:

(X) was filed on January 5, 2001 as US Application Serial No. or PCT International Application Number 09/755,723 and was amended on 4/30/2004 (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 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:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES:___ NO:___
			YES:___ NO:___

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 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 Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented pending abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the practitioners associated with Customer No. 40032 as my patent attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to:	Direct Telephone Calls To:
P. Francois de Villiers **Customer No. 40032** Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	Russell N. Swerdon (408) 428-6600

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.

Full Name of Inventor: Ron GOODMAN **Citizenship:** UNITED STATES

Residence: 226 Jeter Street, Santa Cruz, CA USA 95060

Post Office Address: Same

_____ July , 2004

Inventor's Signature **Date**

SONY Exhibit 1004 - Page 3827

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (continued)

ATTORNEY DOCKET NO. 6407P212

Full Name of Inventor: Howard N. EGAN

Citizenship: UNITED STATES

Residence: 219 Elinor Street, Capitola, CA 95010 USA

Post Office Address: Same

Inventor's Signature

July , 2004
Date

Full Name of Inventor: David BRISTOW

Citizenship: UNITED KINGDOM

Residence: 5988 NE Tolo Road, Bainbridge Island, WA 98110

Post Office Address: Same

Inventor's Signature

July 7, 2004
Date

Full Name of Inventor:

Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor:

Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor:

Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

Full Name of Inventor:

Citizenship:

Residence:

Post Office Address:

Inventor's Signature

Date

PATENT APPLICATION FEE DETERMINATION RECORD
Effective December 8, 2004

11033465

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	5	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	5 minus 20=	* —
INDEPENDENT CLAIMS	2 minus 3 =	* —
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* 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		OR	BASIC FEE	300
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL		OR	TOTAL	300

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 25=		OR	X$50=	
X100=		OR	X200=	
+180=		OR	+360=	

D2

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/033,465	01/10/2005	Ron Goodman	CLIP024US	8997

40032 7590 08/06/2008

CREATIVE LABS, INC.
LEGAL DEPARTMENT
1901 MCCARTHY BLVD
MILPITAS, CA 95035

EXAMINER	
DARNO, PATRICK A	

ART UNIT	PAPER NUMBER
2163	

MAIL DATE	DELIVERY MODE
08/06/2008	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/033,465	GOODMAN ET AL.	
	Examiner	Art Unit	
	PATRICK A. DARNO	2163	

-- 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 *10 January 2005*.

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) *1-5* 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) *1-5* 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 *10 January 2005* 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

1. Claims 1-5 are pending in this office action.

Claim Rejections - 35 USC § 102

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

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

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,760,721 issued to Jeffrey M. Chasen et al. (hereinafter "Chasen").

Claim 1:

Chasen a method of navigating through a plurality of tracks *(Chasen: Fig. 1 and column 5, line 52 – column 6, line 4)*, the method comprising:

accessing a first hierarchy level of metadata associated with the plurality of tracks *(Chasen: Fig. 1, 124 and column 5, lines 28-43 and column 5, line 52 - column 6, line 4 and also see tree-style charts in columns 11 and 12.; The first hierarchy level of metadata can be interpreted as "Artist, Album, Genre, or Playlist.")*;

accessing a second hierarchy level of the metadata in response to a selection from the first hierarchy level *(Chasen: Fig. 1, 124 and column 5, line 52 - column 6, line 4 and also see the tree-style charts in columns 11 and 12; The second level of metadata can be interpreted as "Classical, Pop, Rock" as shown in at least Fig. 1. Also note the second tree-style chart in column 11. The second hierarchy level of metadata is clearly shown as "Funk, Pop, Rock".)*; and

either accessing a third level of the hierarchy in response to the selection from the second hierarchy level or selecting at least one track from the second hierarchy level *(Chasen: Fig. 1, elements 124 and 130 and column 5, line 52 - column 6, line 4 and the second tree-style chart shown in column 11; With respect to a least Fig. 1, note that the user accesses the first level of the hierarchy by choosing "Genre". Then the user chooses the type of genre (specifically, as shown in Fig. 1, classical), by accessing the second level of the hierarchy. After selecting the second level of the hierarchy, the user can select at least one track from the second hierarchy in display window (Fig. 1, elements 130 and 132). Alternatively, as shown in the second tree-style chart in column 11, there can be a third level of the metadata hierarchy (displayed as B, A, A, C) from the which the user can make a selection.)*, wherein data pertaining to respective ones of the first, second, and third hierarchy levels are presented in sequential screens, each sequentially presented screen replacing the previously presented screen *(Chasen: Fig. 1, elements 124 and 130 and column 5, line 52 - column 6, line 4 and at least the second tree-style chart shown in column 11; Whenever a new level of metadata hierarchy is selected (Fig. 1, element 124), data pertaining to the respective first, second, and third hierarchy levels are presenting as screens in Fig. 1 element 130. Each time a new level is selected, the data pertaining to the most recently selected level is displayed in the screen (Fig. 1, 130). So, when selecting sequentially Genre -> Pop -> A (as would be possible for the metadata hierarchy presented in column 11), first a screen would be displayed in Fig. 1, element 130 showing all the tracks for every Genre (column 5, line 64 - column 6, line 4). Then when Pop is selected a new screen is presented in Fig. 1, element 130 showing only those tracks in the pop genre...and so on.).*

Claim 2:

Chasen discloses all the elements of claim 1, as noted above, and Chasen further discloses wherein the plurality of tracks are music tracks *(Chasen: column 6, lines 7-15 and column 3, lines 18-23).*

Claim 3:

Chasen discloses all the elements of claim 1, as noted above, and Chasen further discloses wherein in the first screen the selections available in the listing are one of listings of genre type, listing of album names, listing of artist names selected previously *(Chasen: column 5, lines 28-43 and Fig. 1, element 122).*

Claim 4:

Chasen discloses a portable media player *(Chasen: column 6, lines 52-57)* having a plurality of tracks stored therein *(Chasen: column 6, lines 7-15 and column 3, lines 18-23)*, the media player comprising:

a display screen *(Chasen: Fig. 1 and column 6, lines 49-62; There must be some monitor or display screen that is used to present the graphical user interface to the user.)*;

a user interface *(Chasen: Fig. 1)*; and

a processor configured to present sequentially a first and second display screen on the display of the media player *(Chasen: column 6, line 63 – column 7, line 7 and Fig. 1, elements 124 and 130 and column 5, line 52 - column 6, line 4 and at least the second tree-style chart shown in column 11; Whenever a new level of metadata hierarchy is selected (Fig. 1, element 124), data pertaining to the respective first, second, and third hierarchy levels are presenting as screens in Fig. 1 element 130. Each time a new level is selected, the data pertaining to the most recently selected level is displayed in the screen (Fig. 1, 130). So, when selecting sequentially Genre -> Pop -> A (as would be possible for the metadata hierarchy presented in column 11), first a screen would be displayed in Fig. 1, element 130 showing all the tracks for every Genre (column 5, line 64 - column 6, line 4). Then when Pop is selected a new screen is presented in Fig. 1, element 130 showing only those tracks in the pop genre...and so on.)*, the plurality of tracks accessed from a hierarchy of metadata *(Chasen: column 3,*

lines 11-13 and column 3, lines 18-23 and Fig. 1), the hierarchy having a plurality of categories, subcategories, and items respectively in descending levels of hierarchy (Chasen: Fig. 1 and the 4 tree-style charts presented in columns 11, 12, and 13-14); wherein the portable media player is configured to:

select at least one member from a first level of the hierarchy in the first display screen of the portable media player *(Chasen: Fig. 1, 124 and column 5, lines 28-43 and column 5, line 52 - column 6, line 4 and also see tree-style charts in columns 11 and 12.; The first hierarchy level of metadata can be interpreted as "Artist, Album, Genre, or Playlist.")*;

display an expansion of the selected member in a listing presented in the second display screen *(Chasen: Fig. 1, 124 and column 5, lines 28-43 and column 5, line 52 - column 6, line 4; When a first level is selected from the metadata hierarchy (Fig. 1, element 122), a listing of tracks contained in that level of the hierarchy is displayed in Fig. 1, element 130.)*; and

select a second member from the expansion in the second display screen *(Chasen: Fig. 1, 132 and column 5, lines 28-43 and column 5, line 52 - column 6, line 4; Any one of the displayed tracks in Fig. 1, element 130 can be selected and accessed.)*; and

display an expansion of the selected second member a third display screen *(Chasen: Fig. 1, elements 124 and 130 and column 5, line 52 - column 6, line 4 and the second tree-style chart shown in column 11; As shown in the second tree-style chart in column 11, there can be a third level of the metadata hierarchy (displayed as B, A, A, C) from the which the user can make a selection.)*; and

accessing at least one track based on a selection made in the second display screen *(Chasen: Fig. 1, 132 and column 5, lines 28-43 and column 5, line 52 - column 6, line 4; Any one of the displayed tracks in Fig. 1, element 130 can be selected and accessed.)*.

Claim 5:

Chasen discloses all the elements of claim 3, as noted above, and Chasen further configured to display an expansion of the selected second member in a third display screen and where accessing one track is based on a selection made in the third display screen *(Chasen: Fig. 1, elements 124 and 130 and column 5, line 52 - column 6, line 4 and the second tree-style chart shown in column 11; When a selection of from the third metadata hierarchy level (depicted in tree-style graph in column 11 as B, A, A, C) is made, the tracks contained in that level are displayed in Fig. 1, element 130 and can be selected and accessed.).*

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. 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). 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.

/Patrick A. Darno/
Examiner
Art Unit 2163
07-31-2008

PAD
/don wong/
Supervisory Patent Examiner, Art Unit 2163

Notice of References Cited	Application/Control No. 11/033,465	Applicant(s)/Patent Under Reexamination GOODMAN ET AL.	
	Examiner PATRICK A. DARNO	Art Unit 2163	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,760,721 B1	07-2004	Chasen et al.	707/3
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	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.	Applicant(s)/Patent Under Reexamination
	11033465	GOODMAN ET AL.
	Examiner	Art Unit
	PATRICK A DARNO	2163

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

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

CLAIM		DATE								
Final	Original	07/30/2008								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11033465	GOODMAN ET AL.
	Examiner	Art Unit
	PATRICK A DARNO	2163

SEARCHED			
Class	Subclass	Date	Examiner
707	3, 5, 100, 102	07-3-20080	PAD

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	07-30-2008	PAD

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 8997

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/033,465	01/10/2005	084	2163	CLIP024US

APPLICANTS

Ron Goodman, Santa Cruz, CA;
Howard N. Egan, Capitola, CA;
David Bristow, Bainbridge Island, WA;

**** CONTINUING DATA ***************************

This application is a CON of 09/755,723 01/05/2001 PAT 6,928,433

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/02/2005

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /Patrick A Darno/ Examiner's Signature	☐ Met after Allowance PAD Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	12	5	2

ADDRESS

CREATIVE LABS, INC.
LEGAL DEPARTMENT
1901 MCCARTHY BLVD
MILPITAS, CA 95035
UNITED STATES

TITLE

Automatic hierarchical categorization of music by metadata

FILING FEE RECEIVED	FEES: Authority has been given in Paper	☐ All Fees
1130	No._____ to charge/credit DEPOSIT ACCOUNT	☐ 1.16 Fees (Filing)
	No._____ for following:	☐ 1.17 Fees (Processing Ext. of time)
		☐ 1.18 Fees (Issue)
		☐ Other _____
		☐ Credit

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	"20050187976".pn. and (selected near3 previously)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:09
S2	1	"20050187976".pn. and (previous$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:09
S3	1	"20050187976".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:53
S4	2	"6760721".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:53
S5	82	(metadata near3 hierarchy) and ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:22
S6	12	(metadata near3 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:22
S7	14	(metadata near5 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:23
S8	2	S7 not S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:24

S9	32	(metadata with hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:24
S10	18	S9 not S7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:24
S11	43	(metadata with (hierarchy or tree or (tree near3 structure))) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:25
S12	5099	(707/3).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S13	2058	(707/5).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S14	2965	(707/100).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S15	4110	(707/102).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S16	10776	S12 or S13 or S14 or S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:27
S17	6	S16 and S5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:27
S18	0	S16 and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28
S20	0	S16 and S7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28
S21	1	S16 and S9	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28

SONY Exhibit 1004 - Page 3844

S22	2	S16 and S11	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28

7/31/2008 12:12:02 PM
C:\Documents and Settings\pdarno\My Documents\EAST\Workspaces\App No - 11033465\search 07-31-2008.wsp

SONY Exhibit 1004 - Page 3845

D3

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Goodman, et al.	Attorney Docket No.: CLIP024
Application No.: 11/033,465	Examiner: Darno, Patrick A.
Filed: January 10, 2005	Group: 2163

Title: **AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA**

Amendment and Response to Non-Final Office Action

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

Dear Sir:

The enclosed remarks are submitted in response to the Office Action mailed on August 6, 2008. Applicants respectfully request reconsideration of the captioned application in view of the following remarks and amendments. A listing of the claims commences on page 2. Remarks begin on page 4 of this paper.

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Listing of Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

What is claimed is:

1-5 (cancelled)

6. (new) A method for processing tracks on a portable media player, the method comprising:

selecting one of a category or subcategory from a hierarchical presentation of metadata relating to the tracks and accessed from the display screen of the portable media player, the hierarchical presentation having at least two levels; and

performing one of playback or adding to a playlist a group of tracks associated with the selected category or subcategory and identified by the selection of the category or subcategory, the group of tracks comprising a plurality of tracks.

7. (new) The method as recited in claim 6 wherein the at least two levels comprises at least a category level and a subcategory level.

8. (new) The method as recited in claim 6 wherein the at least two levels comprises a category level and a lower level including track names.

9. (new) The method as recited in claim 6 wherein the playlist is a collection of tracks defined by a user or by a device manufacturer.

10. (new) The method as recited in claim 6 wherein the group of tracks is added to a playlist.

11. (new) The method as recited in claim 6 wherein the group of tracks is played after adding the group to an active queue list for playback.

12. (new) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category or subcategory on the display of the portable player and providing input to the portable player distinguishing between playback and adding to a play list.

13. (new) The method as recited in claim 6 wherein the selected category or subcategory comprises one of album, artist, and genre.

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14. (new) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level.

15. (new) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level and a reverse traversal of the hierarchy from a lower level to a higher level.

16. (new) The method as recited in claim 15 wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and wherein the reverse traversal comprises movement from the subcategory back to the category.

17. (new) The method as recited in claim 15 wherein the hierarchy further comprises an item level at a lower level in the hierarchy than the subcategory level and wherein forward traversal comprises movement in the hierarchy from a category to at least a subcategory and an item and wherein the reverse traversal comprises movement from the item to at least the subcategory.

18. (new) The method as recited in claim 15 wherein the forward traversal to the item displays a track name and wherein the reverse traversal to the subcategory results in the display and selection of one of an album or an artist name for collective processing of the tracks associated with the album or artist name.

19. (new) The method as recited in claim 14 wherein the forward traversal of the hierarchy includes the sequential presentation of at least two display screens, each of the at least two display screens substantially presenting a different listing of members corresponding to different levels of the hierarchy.

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REMARKS

Claims 1-5 are pending in the application. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Chasen et al. (US 6,760,721). Applicants have cancelled claims 1 to 5. New claims 6-19 have been added. Support for the amendments may be found throughout the specification including FIGS. 1-3 and 9-13 and pages 12-16. No new matter has been added.

Applicants believe that the art of record fails to teach or suggest all of the limitations of the original claims 1-5 but in light of the cancellation of these claims and the addition of the new claims having different scope it is unnecessary to comment on the distinctions between the art of record and the original claims.

The new claims are allowable over the art of record for at least the reason that the art of record fails to teach or suggest performing one of playback or adding to a playlist the collection of tracks associated with the selected category or subcategory as recited in claim 6 hence the claims are allowable.

The dependant claims are submitted to be allowable for at least their dependencies from an allowable claim. Moreover, the dependent claims recite additional limitations, and are therefore allowable for these reasons as well. Further discussion of these distinctions is believed unnecessary in light of the distinctions discussed above relative to the independent claims.

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Conclusion and Petition for Extension of TIme

Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Applicants hereby petition for any necessary extensions of time for the filing of this paper under the provisions of 37 CFR 1.136. The Commissioner is hereby authorized to charge any appropriate fees under 37 CFR 1.17(a)(3) that may be required for a three month extension of time for the filing of this paper and to charge any required fees, any deficiency, or credit any overpayment to Deposit Account No. 503302, (Order No. CLIP024US).

Respectfully submitted,

Dated: February 6, 2009

/russell swerdon/

Russell N. Swerdon
Registration No. 36,943

Creative Labs, Inc.
1901 McCarthy Boulevard
Milpitas, CA 95035
Phone: 408-546-6417

SONY Exhibit 1004 - Page 3851

Electronic Patent Application Fee Transmittal

Application Number:	11033465
Filing Date:	10-Jan-2005
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Filer:	Kennedy Koblin
Attorney Docket Number:	CLIP024US

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	1253	1	1110	1110

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	1110

Electronic Acknowledgement Receipt	
EFS ID:	4752946
Application Number:	11033465
International Application Number:	
Confirmation Number:	8997
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Customer Number:	40032
Filer:	Kennedy Koblin
Filer Authorized By:	
Attorney Docket Number:	CLIP024US
Receipt Date:	06-FEB-2009
Filing Date:	10-JAN-2005
Time Stamp:	18:32:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1110
RAM confirmation Number	3928
Deposit Account	503302
Authorized User	

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

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

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

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		CLIP024amend4.pdf	30883 d853c98c109fff53e949085b35bf4357471e424a	yes	5

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	3
	Applicant Arguments/Remarks Made in an Amendment	4	5

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	29889 88d6613a92c4abd86aa8cd994b2e19e6ca92b1e3	no	2

Warnings:

Information:

Total Files Size (in bytes):	60772

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/033,465	Filing Date 01/10/2005	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 02/06/2009	(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 14	Minus	** 20	= 0	X $ =		OR	X $52=	0
Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X $ =		OR	X $220=	0
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT	(Column 1)		(Column 2)	(Column 3)					
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/ROSS W. BROWN/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

D4

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/033,465	01/10/2005	Ron Goodman	CLIP024US	8997

40032 7590 04/15/2009

CREATIVE LABS, INC.
LEGAL DEPARTMENT
1901 MCCARTHY BLVD
MILPITAS, CA 95035

EXAMINER	
DARNO, PATRICK A	
ART UNIT	PAPER NUMBER
2158	

MAIL DATE	DELIVERY MODE
04/15/2009	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/033,465	GOODMAN ET AL.	
	Examiner	Art Unit	
	PATRICK A. DARNO	2158	

– 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 *06 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-19* 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) *6-19* 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 *10 January 2005* 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

1. Claims 1-5 are canceled. Claims 6-19 are new. Claims 6-19 are pending in this office action.

Claim Rejections - 35 USC § 102

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

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

2. Claims 6-19 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent number 6,760,721 issued to Jeffrey M. Chasen et al. (hereinafter "Chasen").

Claim 6:

Chasen discloses a method for processing tracks *[Chasen: column 8, lines 32-41 and column 6, lines 49 – column 7, line 7]* on a portable media player *[Chasen: column 6, lines 52-57]*, the method comprising:

selecting one of a category or subcategory from a hierarchical presentation of metadata relating to the tracks and accessed from the display screen of the portable media player *[Chasen: column 5, lines 28-42 and column 5, line 52 – column 6, line 4 and Fig. 1, element 124 and the tree-style charts in columns 11 and 12.]*, the hierarchical presentation having at least two levels *[Chasen: Fig. 1, element 124 and column 5, lines 52-56 and charts in columns 11 and 12 and charts in columns 13 and 14; Clearly the hierarchical presentation of metadata includes at least two levels. For example, the chart in columns 13 and 14 shows at least 5 hierarchical presentation levels are shown in the Genre/Artist Album node. And Fig. 1 clearly*

shows a hierarchical presentation with at least two levels [note levels: master library -> Genre -> Classical -> track name].]; and

performing one of playback *[Chasen: column 5, lines 59-62 and column 18, lines 27-30]* **or** adding to a playlist *[Chasen: column 15, lines 8-29]* a group of tracks associated with the selected category or subcategory and identified by the selection of the category or subcategory *[Chasen: column 5, lines 28-43 and column 15, lines 8-29 and column 18, lines 27-30 and Fig. 1 and column 6, lines 52-57]*, the group of tracks comprising a plurality of tracks *[Chasen: see Fig. 1, elements 130, 132]*.

Claim 7:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the at least two levels comprises at least a category level and a subcategory level *[Chasen: Fig. 1, element 124 and column 5, lines 52-56 and charts in columns 11 and 12 and charts in columns 13 and 14 and column 14, table 2; The metadata presentation hierarchy discloses at least a "category level" and a "subcategory level". This is best seen by analyzing the charts in columns 11 and 12 and columns 13 and 14. [note levels: master library -> Genre -> Classical -> track name]. For example, levels previously noted, Genre is the category, and Classical is the subcategory. Another example is set forth in the chart in columns 13 and 14. There, a first category is "Pop", a second category is "Artist" [i.e., A, C], and a third category is "Album" [i.e., YYY]. See Table 2 in column 14 which is the key for the chart.]*.

Claim 8:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the at least two levels comprises a category level and a lower level including track names *[Chasen: Fig. 1, element 124 and column 5, lines 52-56 and charts in columns 11 and 12 and charts in columns 13 and 14 and column 14, table 2; Note that the lowest level of all the metadata hierarchies appears to be*

"tracks" or audio files. For example, see the category levels of Genre, Artist, Album, in columns 13 and 14. Then see the lower level which has the tracks/track names [Always, Bird, Rhythm, Speed].].

Claim 9:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the playlist is a collection of tracks defined by a user **or** by a device manufacturer *[Chasen: column 5, lines 28-43 and column 15, lines 8-31; Chasen, clearly discloses at least wherein the playlists are a user defined collection of tracks. However, playlists such as Classical, Pop, and Rock in Fig. 1 appear to be default categories established by the maker of the device [or the manufacturer].].*

Claim 10:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the group of tracks is added to a playlist *[Chasen: column 5, lines 28-43 and column 15, lines 8-31 and Fig. 1, elements 130, 132].*

Claim 11:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the group of tracks is played after adding the group to an active queue list for playback *[Chasen: column 5, lines 28-43 and column 15, lines 8-31 and Fig. 1, elements 130, 132 and column 18, lines 27-30; The playlist displayed in Fig. 1, elements 130, 132 can be interpreted as an "active queue list". After added to this group, they can be played [Chasen: column 18, lines 28-31].].*

Claim 12:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein selection from the hierarchical presentation comprises highlighting the selected category or subcategory on the display of the portable player *[Chasen: Fig. 1, elements 124*

and column 5, lines 52-56; Note specifically that the "Classical" subcategory is highlighted.] and providing input to the portable player distinguishing between playback *[Chasen: column 5, lines 59-62 and column 18, lines 27-30]* and adding a playlist *[Chasen: column 5, lines 28-43 and column 15, lines 8-31].*

Claim 13:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the selected category or subcategory comprises one of album, artist, and genre *[Chasen: column 5, lines 30-35 and see the chart in columns 13 and 14 and column 14, table 2].*

Claim 14:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from the higher level of the hierarchy to a lower level *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The hierarchical presentation of metadata [Chasen: Fig. 1, element 122] is capable of being traversed* ***both*** *forwards and backwards. User may start by expanding the "Master Library" by clicking on the plus/minus icon next to "Master Library." This expands categories/subcategories Artist, Album, Genre, Genre/Artists. These categories/subcategories can be expanded and further traversed. Desired tracks can be displayed in Fig. 1, element 132. User can, at this point, traverse in a backwards manner up the hierarchy as well, until the desired track or group of tracks is located.].*

Claim 15:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level and a reverse traversal of the hierarchy from a lower level to a higher level *[Chasen:*

column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The hierarchical presentation of metadata [Chasen: Fig. 1, element 122] is capable of being traversed ***both*** *forwards and backwards. User may start by expanding the "Master Library" by clicking on the plus/minus icon next to "Master Library." This expands categories/subcategories Artist, Album, Genre, Genre/Artists. These categories/subcategories can be expanded and further traversed. Desired tracks can be displayed in Fig. 1, element 132. User can, at this point, traverse in a backwards manner up the hierarchy as well, until the desired track or group of tracks is located. Such a "forward traversal" is from a higher level to a lower level [for example note the hierarchical structure of Fig. 1, element 124 "Master Library -> Artist]. And, such a "backward traversal" is from a lower level to a higher level [for example note Fig. 1, element 124 and the chart between columns 13 and 14. track->Album].].*

Claim 16:

Chasen discloses all the elements of claim 15, as noted above, and Chasen further discloses wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and wherein the reverse traversal comprises movement from the subcategory back to the category *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The reasoning for this rejection is similar to the reasoning set forth in the rejection of claims 14 and 15. The "lower levels" from Chasen referred to above in claim 15 are subcategories. And the "higher levels" are categories. As mere examples, Chasen sets forth a few levels within his metadata hierarchy. However, Chasen: column 14, lines 13-16 expressly set forth that the locations [or tiers of the hierarchy] can be as many as the user desires. Specifically the locations may be N, wherein N is a positive integer.].*

Claim 17:

Chasen discloses all the elements of claim 15, as noted above, and Chasen further discloses wherein the hierarchy further comprises an item level at a lower level in the hierarchy than the subcategory level *[Chasen: see the chart between columns 13 and 14 and column 14, Table 2; Clearly*

the item [track or audio file] is "lower" in the hierarchy than the last subcategory "Album".] and wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and an item and wherein the reverse traversal comprises movement from the item to at least the subcategory *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The reasoning for this rejection is similar to the reasoning set forth in the rejection of claims 14 and 15.].*

Claim 18:

Chasen discloses all the elements of claim 15, as noted above, and Chasen further discloses wherein the reverse traversal to the subcategory results in the display and selection of one of an album or an artist name for collective processing of the tracks associated with the album or artist name *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122 and column 5, lines 59-62; The reasoning for this rejection is similar to the reasoning set forth in the rejection of claims 14 and 15.].*

Claim 19:

Chasen discloses all the elements of claim 14, as noted above, and Chasen further discloses wherein the forward traversal of the hierarchy includes the sequential presentation of at least two display screens, each of the at least two display screens substantially presenting different listing of members corresponding to different levels of the hierarchy *[Chasen: Fig. 1, elements 124 and 130 and column 5, line 52 – column 6, line 4 and at least the second tree-style chart shown in column 11; Whenever a new level of the metadata hierarchy is selected [Fig. 1, element 124], data pertaining to the respective first, second, and third hierarchy levels are presented as screens in Fig. 1, element 130. Each time a new level is selected, the data pertaining to the most recently selected level is displayed in the screen [Fig. 1, element 130]. So, when selecting sequentially Genre -> Pop -> -> A [as would be possible for the metadata hierarchy presented in column 11], first a screen would be displayed in Fig. 1 element 130 showing all the tracks for every*

Genre [column 5, line 64 – column 6, line 4]. Then when Pop is selected a new screen is presented in Fig. 1, element 130 showing only those tracks in the pop genre...and so on.].

Response to Arguments

Examiner Notes:

-No arguments were received with the Applicant's response filed 02/06/2009.

-A rejection under 35 U.S.C. 101 was considered for Claim 6. However, the method of claim 6 expressly recites a "portable media player" and wherein "a hierarchical presentation of metadata relating to the tracks" is "accessed from the *"display screen"*. Therefore, it appears that the method steps set forth in claim 6 are tied to another statutory class [i.e., a machine]. And this "machine" comprises at least a "portable media player" and a "display screen" of the portable media player.

-Claims 7-19 are considered statutory under 35 U.S.C. 101 for at least the reason that claims 7-19 depend upon claim 6 [which was deemed patentable under 35 U.S.C. 101 above].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. 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). 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.

/Patrick A. Darno/
Examiner
Art Unit 2158
04-13-2009

PAD

/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2158

Notice of References Cited	Application/Control No. 11/033,465	Applicant(s)/Patent Under Reexamination GOODMAN ET AL.	
	Examiner PATRICK A. DARNO	Art Unit 2158	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,760,721 B1	07-2004	Chasen et al.	707/3
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	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.	Applicant(s)/Patent Under Reexamination
	11033465	GOODMAN ET AL.
	Examiner	Art Unit
	PATRICK A DARNO	2163

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

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

CLAIM		DATE								
Final	Original	07/30/2008	04/13/2009							
	1	✓	-							
	2	✓	-							
	3	✓	-							
	4	✓	-							
	5	✓	-							
	6		✓							
	7		✓							
	8		✓							
	9		✓							
	10		✓							
	11		✓							
	12		✓							
	13		✓							
	14		✓							
	15		✓							
	16		✓							
	17		✓							
	18		✓							
	19		✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11033465	GOODMAN ET AL.
	Examiner	Art Unit
	PATRICK A DARNO	2163

SEARCHED			
Class	Subclass	Date	Examiner
707	3, 5, 100, 102	07-3-20080	PAD
707	3, 5, 100, 102 [with limited keyword search]	04-13-2009	PAD

SEARCH NOTES		
Search Notes	Date	Examiner
EAST [with limited keyword search]	07-30-2008	PAD
EAST [with limited keyword search]	04-13-2009	PAD

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET

CONFIRMATION NO. 8997

SERIAL NUMBER	FILING or 371(c) DATE / RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/033,465	01/10/2005 RULE	084	2158	CLIP024US

APPLICANTS

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**** CONTINUING DATA ***************************

This application is a CON of 09/755,723 01/05/2001 PAT 6,928,433

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/02/2005

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /Patrick A Darno/ Examiner's Signature	☐ Met after Allowance PAD Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	12	5	2

ADDRESS

CREATIVE LABS, INC.
LEGAL DEPARTMENT
1901 MCCARTHY BLVD
MILPITAS, CA 95035
UNITED STATES

TITLE

Automatic hierarchical categorization of music by metadata

FILING FEE RECEIVED	FEES: Authority has been given in Paper	☐ All Fees
1130	No._____ to charge/credit DEPOSIT ACCOUNT	☐ 1.16 Fees (Filing)
	No._____ for following:	☐ 1.17 Fees (Processing Ext. of time)
		☐ 1.18 Fees (Issue)
		☐ Other _____
		☐ Credit

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"20050187976".pn. and (selected near3 previously)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L2	1	"20050187976".pn. and (previous$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L3	1	"20050187976".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L4	2	"6760721".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L5	90	(metadata near3 hierarchy) and ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L6	14	(metadata near3 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L7	16	(metadata near5 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L8	2	L7 not L6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14

L9	35	(metadata with hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L10	19	L9 not L7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L11	47	(metadata with (hierarchy or tree or (tree near3 structure))) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L12	5720	(707/3).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
L13	2288	(707/5).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
L14	3394	(707/100).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
L15	4634	(707/102).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
L16	12092	L12 or L13 or L14 or L15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L17	7	L16 and L5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L18	0	L16 and L6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L19	0	L16 and L7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L20	1	L16 and L9	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14

L21	2	L16 and L11	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L22	2	"6760721".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L23	1	"6760721".pn. and playlist	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L24	2	"6760721".pn. and (select$4 or highlight $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L25	2	"6760721".pn. and ((select$4 or highlight $4) same (display or interface))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
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L28	2	"6760721".pn. and select$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L29	1	"6760721".pn. and travers$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L30	1	"6760721".pn. and (search$4 or navigat $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14

L31	0	"6760721".pn. and ((search$4 or navigat $4) with hierarchy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L32	0	"6760721".pn. and ((search$4 or navigat $4) with hierarch$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L33	1	"6760721".pn. and ((search$4 or navigat $4) with metadata)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L34	0	"6760721".pn. and (backward$4 or revers $4 or retreat$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L35	1	"6760721".pn. and (backward$4 or revers $4 or retreat$4 or back or up)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
L36	2	L12 and L5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
L37	0	L12 and L7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
L38	0	L12 and L6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
L39	0	L12 and L9	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
L40	1	L13 and L5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16

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L41	0	L13 and L7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
L42	0	L13 and L6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
L43	0	L13 and L9	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
L44	1	L14 and L5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
L45	0	L14 and L7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
L46	0	L14 and L6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
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L48	5	L15 and L5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:18
L49	0	L15 and L7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:18
L50	0	L15 and L6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:18

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4/13/2009 3:25:22 AM
C:\Documents and Settings\pdarno\My Documents\EAST\Workspaces\App No - 11033465 \search 07-31-2008.wsp

SONY Exhibit 1004 - Page 3878

D5

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

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

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11/033,465	Filing Date	2005-01-10	Docket Number (if applicable)	CLIP024US	Art Unit	2158
First Named Inventor	GOODMAN, Ron			Examiner Name	DARNO, Patrick A.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503302

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

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Signature	/Desmund Gean/	Date (YYYY-MM-DD)	2009-10-15
Name	Desmund Gean	Registration Number	52937

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

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

D6

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Goodman, et al.	Attorney Docket No.: CLIP024US
Application No.: 11/033,465	Examiner: Darno, Patrick A.
Filed: January 10, 2005	Group: 2158
Title: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA	Confirmation No.: 8997

AMENDMENT

(Submitted with an RCE herewith)

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

Dear Sir:

The enclosed remarks are submitted in response to the Office Action mailed on April 15, 2009. Applicants respectfully request reconsideration of the captioned application in view of the following remarks and amendments.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

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Listing of Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

What is claimed is:

1-5 (cancelled)

6. (Currently Amended) A method for ~~processing tracks~~ accessing media content items on a portable media player, the method comprising:

navigating to the media content through ~~selecting one of a category or subcategory from~~ a hierarchical presentation of metadata relating to the media content items ~~tracks~~ and accessed from ~~the~~ a display ~~screen~~ of the portable media player, wherein the hierarchical presentation has ~~having~~ at least two levels, with at least one of the two levels identifying categories relating to the metadata and another of the two levels identifying subcategories of the metadata, wherein the navigating comprises:

making a selection from a first display screen presenting one of the at least two levels of the hierarchical presentation, the first display screen having a plurality of selections, each of the plurality corresponding to the same level of the hierarchy; and

providing a second display screen based on the selection made in the first display screen, wherein the second display screen substantially replaces the first display screen and presents a plurality of selections relating to another level of the hierarchy; and

performing one of playback or adding to a playlist a group of ~~tracks~~ media content items associated with the ~~selected~~ selection made in the first or second display screen ~~category or subcategory~~ ~~and~~ wherein the group is identified by the selection of ~~the~~ a category or subcategory~~, the group of tracks comprising a plurality of tracks~~.

7. (Previously Presented) The method as recited in claim 6 wherein the at least two levels comprises at least a category level and a subcategory level.

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8. (Currently Amended) The method as recited in claim 6 wherein the at least two levels comprises a category level and a lower level including ~~track~~ media content names.

9. (Currently Amended) The method as recited in claim 6 wherein the playlist is a collection of ~~tracks~~ media content items defined by a user or by a device manufacturer.

10. (Currently Amended) The method as recited in claim 6 wherein the group of ~~tracks~~ media content items is added to a playlist.

11. (Currently Amended) The method as recited in claim 6 wherein the group of ~~tracks~~ media content items is played after adding the group to an active queue list for playback.

12. (Previously Presented) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category or subcategory on the display of the portable player and providing input to the portable player distinguishing between playback and adding to a play list.

13. (Previously Presented) The method as recited in claim 6 wherein the selected category or subcategory comprises one of album, artist, and genre.

14. (Previously Presented) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level.

15. (Previously Presented) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level and a reverse traversal of the hierarchy from a lower level to a higher level.

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16. (Previously Presented) The method as recited in claim 15 wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and wherein the reverse traversal comprises movement from the subcategory back to the category.

17. (Previously Presented) The method as recited in claim 15 wherein the hierarchy further comprises an item level at a lower level in the hierarchy than the subcategory level and wherein forward traversal comprises movement in the hierarchy from a category to at least a subcategory and an item and wherein the reverse traversal comprises movement from the item to at least the subcategory.

18. (Currently Amended) The method as recited in claim ~~15~~ 17 wherein the forward traversal to the item displays a ~~track~~ media content name and wherein the reverse traversal to the subcategory results in the display and selection of one of an album or an artist name for collective processing of the ~~tracks~~ media content items associated with the album or artist name.

19. (Previously Presented) The method as recited in claim 14 wherein the forward traversal of the hierarchy includes the sequential presentation of at least two display screens, each of the at least two display screens substantially presenting a different listing of members corresponding to different levels of the hierarchy.

20. (New) The method as recited in claim 6, wherein each display screen occupies substantially the entire area of the display of the portable media player.

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REMARKS

In the Office Action, the Examiner rejected claims 6-19 under 35 U.S.C. 102(e) as being anticipated by Chasen et al. (U.S. Pat. No. 6,760,721; hereinafter "Chasen"). Claims 6, 8-11, and 18 have been amended. Support for the amendment can be found in the published specification (US 2005/0187976 A1) on para [0078], Fig. 10, original claim 1, and elsewhere. New claim 20 has been added. Support for the new claim can be found in the published specification on Fig. 9, element 102, Fig. 10, and elsewhere. Accordingly, claims 6-20 are now pending in the application. No new matter has been added.

Independent claim 6 is allowable over the art of record for at least the reason that the art of record fails to teach or suggest, among other things, the operation of "providing a second display screen based on the selection made in the first display screen, wherein the second display screen substantially replaces the first display screen and presents a plurality of selections relating to another level of the hierarchy" as recited in claim 6.

As noted in the published specification on para [0009], "The present invention provides an efficient user interface for a small portable music player. The invention is suitable for use with a limited display area and small number of controls to allow a user to efficiently an intuitively navigate among, and select, songs to be played. By using the invention, very large numbers of songs can be easily accessed and played."

In contrast, Chasen lacks the benefits of the present invention. Chasen discloses a system and method of managing metadata data with an audio player program display 110. (See Fig. 1) However, the audio player program display 110 is not conducive for implementation on a portable media player, especially one with a small display. The multiple panes (i.e., tree window 120 and table window 130) are always present together since the node table 132 of the table window 130 provides concurrent information of a selection made in the master tree 122 of the tree window 120. (See column 4, lines 9-19; column 5, lines 44-46; column 8, line 54 to column 9, line 6) As such, the multiple panes

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occupy more of the display than if each was displayed separately one at a time, especially if one of them substantially replaces the other in the display.

Although the Examiner had previously rejected original claim 1 (See page 3 of Office Action dated 08/06/2008) containing a similar limitation, the cited portions of Chasen merely teaches a separate first window for selection (i.e, tree window 120 with highlighted Classical) alongside a separate second window (i.e., table window 130, node table 132) showing the tracks based on the selection made in the first window. As such, it is clear that Chasen fails to teach or suggest "providing a second display screen based on the selection made in the first display screen, wherein the second display screen substantially replaces the first display screen and presents a plurality of selections relating to another level of the hierarchy" as required by claim 6. Applicants respectfully submit that claim 6 is patently distinct from and patentable over the cited art.

The Examiner's rejections of the dependent claims are respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 7-19 each depend either directly or indirectly from independent claim 6 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claim 6. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

New Claim 20

New Claim 20 is believed to be patentable over the art of record for much the same reasons as claim 6. Claim 20 has been added to explicitly cover embodiments "wherein each display screen occupies substantially the entire area of the display of the portable media player."

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Conclusion and Petition for Extension of Time

Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Undersigned at the telephone number set out below.

Applicants hereby petition for any necessary extensions of time for the filing of this paper under the provisions of 37 CFR 1.136. The Commissioner is hereby authorized to charge any appropriate fees under 37 CFR 1.17(a)(3) that may be required for a three month extension of time for the filing of this paper and to charge any required fees, any deficiency, or credit any overpayment to Deposit Account No. 503302, (Order No. CLIP024US).

Respectfully submitted,

Dated: October 15, 2009

/desmund gean/

Desmund Gean
Registration No. 52,937

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SONY Exhibit 1004 - Page 3890

Electronic Patent Application Fee Transmittal

Application Number:	11033465
Filing Date:	10-Jan-2005
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Filer:	Desmund Lawrence Gean
Attorney Docket Number:	CLIP024US
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	1253	1	1110	1110

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	1801	1	810	810
		Total in USD ($)		**1920**

Electronic Acknowledgement Receipt	
EFS ID:	6273304
Application Number:	11033465
International Application Number:	
Confirmation Number:	8997
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Customer Number:	40032
Filer:	Desmund Lawrence Gean
Filer Authorized By:	
Attorney Docket Number:	CLIP024US
Receipt Date:	15-OCT-2009
Filing Date:	10-JAN-2005
Time Stamp:	21:31:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1920
RAM confirmation Number	5543
Deposit Account	503302
Authorized User	

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

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

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

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	clip024RCE.pdf	697397 3dc0ea84247e26f03fbc5f1166ec1876793f4e38	no	3
Warnings:					
Information:					
2		CLIP024US_Amed_OA041509FINAL.pdf	99083 1f10bf899ee06d2f6fe73a499170d899d8b07521	yes	7

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment After Final	1	1
Claims	2	4
Applicant Arguments/Remarks Made in an Amendment	5	7

Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	31958 118b063b08dc102e0848d87b67b053190a181ec3	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	828438		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

D7

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/033,465	01/10/2005	Ron Goodman	CLIP024US	8997

40032 7590 11/24/2009

CREATIVE LABS, INC.
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EXAMINER	
DARNO, PATRICK A	
ART UNIT	PAPER NUMBER
2158	

MAIL DATE	DELIVERY MODE
11/24/2009	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	11/033,465	GOODMAN ET AL.	
	Examiner	Art Unit	
	PATRICK A. DARNO	2158	

-- 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 *15 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-20* 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) *6-20* 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 *10 January 2005* 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

1. Claim 20 is new. Claims 1-5 are canceled. Claims 6, 8-11, and 18 are amended. Claims 6-20 are pending in this office action.

Claim Rejections - 35 USC § 102

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

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

2. Claims 6-19 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent number 6,760,721 issued to Jeffrey M. Chasen et al. (hereinafter "Chasen").

Claim 6:

Chasen discloses a method for accessing media content items *[Chasen: column 8, lines 32-41 and column 6, lines 49 – column 7, line 7]* on a portable media player *[Chasen: column 6, lines 52-57]*, the method comprising:

navigating to the media content through a hierarchical presentation of metadata relating to the media content items and accessed from a display of the portable media player *[Chasen: column 5, lines 28-42 and column 5, line 52 – column 6, line 4 and Fig. 1, element 124 and the tree-style charts in columns 11 and 12.]*, wherein the hierarchical presentation has at least two levels *[Chasen: Fig. 1, element 124 and column 5, lines 52-56 and charts in columns 11 and 12 and charts in columns 13 and 14; Clearly the hierarchical presentation of metadata includes at least two levels. For example, the chart in columns 13 and 14 shows at least 5 hierarchical presentation levels are shown in the Genre/Artist Album node. And Fig. 1 clearly*

shows a hierarchical presentation with at least two levels [note levels: master library -> Genre -> Classical -> track name].], with at least one of the two levels identifying categories relating to the metadata *[Chasen: see at least Fig. 1, element 124 and the metadata hierarchy spanning columns 13 and 14; At least one of the levels of metadata comprises categories such as Artist, Album, and/or Genre.]* and another of the two levels identifying subcategories of the metadata *[Chasen: Fig. 1, element 124 and the metadata hierarchy spanning columns 13 and 14; Each of the upper levels of metadata have their own corresponding lower level of metadata [i.e., subcategories of metadata]. The Artist level of metadata comprises subcategories of different artists. The Album level of metadata comprises subcategories of different albums. The Genre level of metadata comprises subcategories of the higher level metadata such as Classical, Pop, and/or Rock.]*, wherein the navigating comprises:

making a selection from a first display screen presenting one of the at least two levels of the hierarchical presentation *[Chasen: Fig. 1, elements 122, 124; A selection can be made of one level of the hierarchy comprising Artist, Album, and Genre in the "first display screen".]*, the first display screen having a plurality of selections, each corresponding to the same level of the hierarchy *[Chasen: Fig. 1, elements 122, 124; Note that each level of metadata presented here [Artist, Album, Genre] corresponds to the same level of the hierarchy.]*; and

providing a second display screen based on the selection made in the first display screen *[Chasen: Fig. 1, elements 124, 132; When one of the categories or subcategories in the "first display screen" are chosen, the results of the selection of displayed in Fig. 1, elements 132.]*, wherein the second display screen substantially replaces the first display screen *[Chasen: Fig. 1, elements 124, 132; Note that Fig. 1 is both the "first display screen" and the "second display screen". Also note that whenever a selection of one of the categories listed in Fig. 1, element 124 is made, the results are displayed in Fig. 1, element 132. Fig 1, element 132 is a substantial portion of the entire display. Each time a selection is made from Fig. 1, element 124 a substantial*

portion of the screen is replaced [specifically Fig. 1, element 132]. As a result, it appears that Chasen discloses "wherein the second display screen substantially replaces the first display screen." Wherein the "second display screen" is interpreted as the Fig. 1 after each update of Fig. 1, elements 132 based upon a selection in Fig. 1, elements 124.] and presents a plurality of selections relating to another level of the hierarchy *[Chasen: Fig. 1, elements 132; The selection relating to another level of the hierarchy are displayed in Fig. 1, element 132.]*; and

performing one of playback *[Chasen: column 5, lines 59-62 and column 18, lines 27-30]* **or** adding to a playlist a group of media content items associated with the selection made in the first or second display screen *[Chasen: column 5, lines 28-43 and column 15, lines 8-29 and column 18, lines 27-30 and Fig. 1 and column 6, lines 52-57]*, wherein the group is identified by the selection of a category or subcategory *[Chasen: see Fig. 1, elements 122, 130, 132].*

Claim 7:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the at least two levels comprises at least a category level and a subcategory level *[Chasen: Fig. 1, element 124 and column 5, lines 52-56 and charts in columns 11 and 12 and charts in columns 13 and 14 and column 14, table 2; The metadata presentation hierarchy discloses at least a "category level" and a "subcategory level". This is best seen by analyzing the charts in columns 11 and 12 and columns 13 and 14. [note levels: master library -> Genre -> Classical -> track name]. For example, levels previously noted, Genre is the category, and Classical is the subcategory. Another example is set forth in the chart in columns 13 and 14. There, a first category is "Pop", a second category is "Artist" [i.e., A, C], and a third category is "Album" [i.e., YYY]. See Table 2 in column 14 which is the key for the chart.].*

Claim 8:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the at least two levels comprises a category level and a lower level including media content names *[Chasen: Fig. 1, element 124 and column 5, lines 52-56 and charts in columns 11 and 12 and charts in columns 13 and 14 and column 14, table 2; Note that the lowest level of all the metadata hierarchies appears to be "tracks" or audio files. For example, see the category levels of Genre, Artist, Album, in columns 13 and 14. Then see the lower level which has the tracks/track names [Always, Bird, Rhythm, Speed].].*

Claim 9:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the playlist is a collection of media content items defined by a user **or** by a device manufacturer *[Chasen: column 5, lines 28-43 and column 15, lines 8-31; Chasen, clearly discloses at least wherein the playlists are a user defined collection of tracks. However, playlists such as Classical, Pop, and Rock in Fig. 1 appear to be default categories established by the maker of the device [or the manufacturer].].*

Claim 10:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the group of media content items is added to a playlist *[Chasen: column 5, lines 28-43 and column 15, lines 8-31 and Fig. 1, elements 130, 132].*

Claim 11:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the group of media content items is played after adding the group to an active queue list for playback *[Chasen: column 5, lines 28-43 and column 15, lines 8-31 and Fig. 1, elements 130, 132 and column 18, lines 27-30; The playlist displayed in Fig. 1, elements 130, 132 can be interpreted as an "active queue list". After added to this group, they can be played [Chasen: column 18, lines 28-31].].*

Claim 12:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein selection from the hierarchical presentation comprises highlighting the selected category or subcategory on the display of the portable player *[Chasen: Fig. 1, elements 124 and column 5, lines 52-56; Note specifically that the "Classical" subcategory is highlighted.]* and providing input to the portable player distinguishing between playback *[Chasen: column 5, lines 59-62 and column 18, lines 27-30]* and adding a playlist *[Chasen: column 5, lines 28-43 and column 15, lines 8-31].*

Claim 13:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein the selected category or subcategory comprises one of album, artist, and genre *[Chasen: column 5, lines 30-35 and see the chart in columns 13 and 14 and column 14, table 2].*

Claim 14:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from the higher level of the hierarchy to a lower level *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The hierarchical presentation of metadata [Chasen: Fig. 1, element 122] is capable of being traversed* ***both*** *forwards and backwards. User may start by expanding the "Master Library" by clicking on the plus/minus icon next to "Master Library." This expands categories/subcategories Artist, Album, Genre, Genre/Artists. These categories/subcategories can be expanded and further traversed. Desired tracks can be displayed in Fig. 1, element 132. User can, at this point, traverse in a backwards manner up the hierarchy as well, until the desired track or group of tracks is located.].*

Claim 15:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level and a reverse traversal of the hierarchy from a lower level to a higher level *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The hierarchical presentation of metadata [Chasen: Fig. 1, element 122] is capable of being traversed **both** forwards and backwards. User may start by expanding the "Master Library" by clicking on the plus/minus icon next to "Master Library." This expands categories/subcategories Artist, Album, Genre, Genre/Artists. These categories/subcategories can be expanded and further traversed. Desired tracks can be displayed in Fig. 1, element 132. User can, at this point, traverse in a backwards manner up the hierarchy as well, until the desired track or group of tracks is located. Such a "forward traversal" is from a higher level to a lower level [for example note the hierarchical structure of Fig. 1, element 124 "Master Library -> Artist]. And, such a "backward traversal" is from a lower level to a higher level [for example note Fig. 1, element 124 and the chart between columns 13 and 14. track->Album].].*

Claim 16:

Chasen discloses all the elements of claim 15, as noted above, and Chasen further discloses wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and wherein the reverse traversal comprises movement from the subcategory back to the category *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The reasoning for this rejection is similar to the reasoning set forth in the rejection of claims 14 and 15. The "lower levels" from Chasen referred to above in claim 15 are subcategories. And the "higher levels" are categories. As mere examples, Chasen sets forth a few levels within his metadata hierarchy. However, Chasen: column 14, lines 13-16 expressly set forth that the locations [or tiers of the hierarchy] can be as many as the user desires. Specifically the locations may be N, wherein N is a positive integer.].*

Claim 17:

Chasen discloses all the elements of claim 15, as noted above, and Chasen further discloses wherein the hierarchy further comprises an item level at a lower level in the hierarchy than the subcategory level *[Chasen: see the chart between columns 13 and 14 and column 14, Table 2; Clearly the item [track or audio file] is "lower" in the hierarchy than the last subcategory "Album".]* and wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and an item and wherein the reverse traversal comprises movement from the item to at least the subcategory *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122; The reasoning for this rejection is similar to the reasoning set forth in the rejection of claims 14 and 15.].*

Claim 18:

Chasen discloses all the elements of claim 15, as noted above, and Chasen further discloses wherein the forward traversal to the item displays a media content name and wherein the reverse traversal to the subcategory results in the display and selection of one of an album or an artist name for collective processing of the media content items associated with the album or artist name *[Chasen: column 5, line 28 – column 6, line 4 and Fig. 1, element 122 and column 5, lines 59-62; The reasoning for this rejection is similar to the reasoning set forth in the rejection of claims 14 and 15.].*

Claim 19:

Chasen discloses all the elements of claim 14, as noted above, and Chasen further discloses wherein the forward traversal of the hierarchy includes the sequential presentation of at least two display screens, each of the at least two display screens substantially presenting different listing of members corresponding to different levels of the hierarchy *[Chasen: Fig. 1, elements 124 and 130 and column 5, line 52 – column 6, line 4 and at least the second tree-style chart shown in*

column 11; Whenever a new level of the metadata hierarchy is selected [Fig. 1, element 124], data pertaining to the respective first, second, and third hierarchy levels are presented as screens in Fig. 1, element 130. Each time a new level is selected, the data pertaining to the most recently selected level is displayed in the screen [Fig. 1, element 130]. So, when selecting sequentially Genre -> Pop -> -> A [as would be possible for the metadata hierarchy presented in column 11], first a screen would be displayed in Fig. 1 element 130 showing all the tracks for every Genre [column 5, line 64 – column 6, line 4]. Then when Pop is selected a new screen is presented in Fig. 1, element 130 showing only those tracks in the pop genre...and so on.].

Claim 20:

Chasen discloses all the elements of claim 6, as noted above, and Chasen further discloses wherein each display screen occupies substantially the entire area of the display of the portable media player *[**this claim is being rejected under the same reasons as claim 1** Substantially is defined as "to a great extent or degree". Based upon Fig. 1, and the subsequent explanation, it is clear that Fig. 1, element 132, when updated by a selection from Fig. 1, element 124, replaces the "entire area" of Fig. 1 "to a great extent or degree". See Chasen: Fig. 1, elements 124, 132; Note that Fig. 1 is both the "first display screen" and the "second display screen". Also note that whenever a selection of one of the categories listed in Fig. 1, element 124 is made, the results are displayed in Fig. 1, element 132. Fig 1, element 132 is a substantial portion of the entire display. Each time a selection is made from Fig. 1, element 124 a substantial portion of the screen is replaced [specifically Fig. 1, element 132]. As a result, it appears that Chasen discloses "wherein the second display screen substantially replaces the first display screen." Wherein the "second display screen" is interpreted as the Fig. 1 after each update of Fig. 1, elements 132 based upon a selection in Fig. 1, elements 124.].*

Response to Arguments

Argument #1:

Applicant Argues:

In contrast, Chasen lacks the benefits of the present invention. Chasen discloses a system and method of managing metadata data with an audio player program display 110. (See Fig. 1) However, the audio player program display 110 is not conducive for implementation on a portable media player, especially one with a small display.

Examiner Responds:

Examiner is not persuaded. Chasen discloses a system and method for managing metadata **that is implemented on a portable media player** [Chasen: column 6, lines 55-56].

Chasen is express in his teachings. Chasen recites that "**the metadata management system may be implemented on other systems such as, for example, a portable computing device, *portable audio player...***" [Chasen: column 6, lines 54-56; Examiner has cut off the enumerated list in the interests of brevity. However, other items listed in the enumerated list may also be relevant [e.g., portable video players, personal digital assistants, and handheld computers.].]. In light of the express teachings of Chasen showing that the metadata management system is also for use in ***portable audio players***, the Examiner is unable to find the Applicant's arguments persuasive.

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Argument #2:

Applicant Argues:

Although the Examiner had previously rejected original claim 1 (See page 3 of Office Action dated 08/06/2008) containing a similar limitation, the cited portions of Chasen merely teaches a separate first window for

selection (i.e., tree window 120 with highlighted Classical) alongside a separate window (i.e., table window 130, node table 132) showing the tracks based on the selection made in the first window. As such, it is clear that Chasen fails to teach or suggest "providing a second display screen based on the selection made in the first display screen, wherein the second display screen substantially replaces the first display screen and presents a plurality of selections relating to another level of the hierarchy" as required by claim 6. Applicant's respectfully submit that claim 6 is patently distinct from and patentable over the cited art.

Examiner Responds:

Examiner is not persuaded. Chasen discloses "providing a second display screen based on the selection made in the first display screen wherein the second display screen substantially replaces the first display screen and presents a plurality of selections relating to another level of the hierarchy" [Chasen: Fig. 1, elements 124, 132.].

Note that there is only one window displayed in Chasen: Fig. 1. This window disclosed in Chasen: Fig. 1 is both the "first display screen" and the "second display screen". Also note that whenever a selection of one of the categories listed in Chasen: Fig. 1, element 124 is made, the results are displayed in Chasen: Fig. 1, element 132. Chasen: Fig 1, element 132 is a substantial portion of the entire display. Each time a selection is made from Chasen: Fig. 1, element 124 a substantial portion of the screen is replaced [specifically Chasen: Fig. 1, element 132]. As a result, it appears that Chasen discloses " the second display screen substantially replaces the first display screen." Wherein the "second display screen" is interpreted as the window displayed in Chasen: Fig. 1 after each update of Chasen: Fig. 1, element 132 based upon a selection in Chasen: Fig. 1, elements 124. In other words, whenever there is a selection the elements listed in Chasen: Fig. 1, element 124, the listing in Chasen: Fig. 1, element 132 is replaced.

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Examiner Notes:

- A rejection of claim 1 was considered under 35 U.S.C. 101. However, it appears to be clear that the claimed method is tied to a machine, and as a result claim satisfies the machine or transformation test. Specifically, the claims make clear method steps involving selection of items on a user interface, said selections cause different items to be displayed, and even selection of items on the device for playback. There appears to be no disputing that the claimed method is being stored and executed on a machine [portable media player]. Since it is stored and executed on a machine, it is clearly "tied to a machine". Since the claim 1 appears to satisfy the machine-or-transformation test, the claim is deemed patentable under 35 U.S.C. 101.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. 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). 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.

/Patrick A. Darno/
Examiner
Art Unit 2158
11-20-2009

PAD

/Yicun Wu/
Primary Examiner, Art Unit 2158

Notice of References Cited	Application/Control No. 11/033,465	Applicant(s)/Patent Under Reexamination GOODMAN ET AL.	
	Examiner PATRICK A. DARNO	Art Unit 2158	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,760,721 B1	07-2004	Chasen et al.	707/3
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	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.

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BIB DATA SHEET

CONFIRMATION NO. 8997

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/033,465	01/10/2005 RULE	084	2158	CLIP024US

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**** CONTINUING DATA ***************************

This application is a CON of 09/755,723 01/05/2001 PAT 6,928,433

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/02/2005

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /Patrick A Darno/ Examiner's Signature	☐ Met after Allowance PAD Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	12	5	2

ADDRESS

CREATIVE LABS, INC.
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TITLE

Automatic hierarchical categorization of music by metadata

FILING FEE RECEIVED		
1130	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	"20050187976".pn. and (selected near3 previously)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:09
S2	1	"20050187976".pn. and (previous$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:09
S3	1	"20050187976".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:53
S4	2	"6760721".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 21:53
S5	82	(metadata near3 hierarchy) and ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:22
S6	12	(metadata near3 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:22
S7	14	(metadata near5 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:23
S8	2	S7 not S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:24

S9	32	(metadata with hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:24
S10	18	S9 not S7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:24
S11	43	(metadata with (hierarchy or tree or (tree near3 structure))) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:25
S12	5099	(707/3).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S13	2058	(707/5).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S14	2965	(707/100).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S15	4110	(707/102).CCLS.	USPAT; USOCR	OR	OFF	2008/07/30 22:27
S16	10776	S12 or S13 or S14 or S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:27
S17	6	S16 and S5	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:27
S18	0	S16 and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28
S20	0	S16 and S7	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28
S21	1	S16 and S9	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28

S22	2	S16 and S11	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/07/30 22:28
S23	2	"6760721".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/10 23:01
S24	1	"6760721".pn. and playlist	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/10 23:01
S25	2	"6760721".pn. and (select$4 or highlight $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/10 23:42
S26	2	"6760721".pn. and ((select$4 or highlight $4) same (display or interface))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/10 23:43
S32	1	"6760721".pn. and default	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 09:38
S33	0	"6760721".pn. and highlight$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:12
S34	2	"6760721".pn. and select$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:12
S35	1	"6760721".pn. and travers$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:25
S36	1	"6760721".pn. and (search$4 or navigat $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:28

S37	0	"6760721".pn. and ((search$4 or navigat $4) with hierarchy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:28
S38	0	"6760721".pn. and ((search$4 or navigat $4) with hierarch$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:28
S39	1	"6760721".pn. and ((search$4 or navigat $4) with metadata)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:28
S40	0	"6760721".pn. and (backward$4 or revers $4 or retreat$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:30
S41	1	"6760721".pn. and (backward$4 or revers $4 or retreat$4 or back or up)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/12 23:30
S42	1	"20050187976".pn. and (selected near3 previously)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S43	1	"20050187976".pn. and (previous$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S44	1	"20050187976".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S45	2	"6760721".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S46	90	(metadata near3 hierarchy) and ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14

S47	14	(metadata near3 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S48	16	(metadata near5 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S49	2	S48 not S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S50	35	(metadata with hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S51	19	S50 not S48	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S52	47	(metadata with (hierarchy or tree or (tree near3 structure))) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S53	5720	(707/3).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
S54	2288	(707/5).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
S55	3394	(707/100).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
S56	4634	(707/102).CCLS.	USPAT; USOCR	OR	OFF	2009/04/13 03:14
S57	12092	S53 or S54 or S55 or S56	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14

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S58	7	S57 and S46	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S59	0	S57 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S60	0	S57 and S48	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S61	1	S57 and S50	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S62	2	S57 and S52	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S63	2	"6760721".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S64	1	"6760721".pn. and playlist	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S65	2	"6760721".pn. and (select$4 or highlight $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S66	2	"6760721".pn. and ((select$4 or highlight $4) same (display or interface))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S67	1	"6760721".pn. and default	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14

S68	0	"6760721".pn. and highlight$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S69	2	"6760721".pn. and select$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S70	1	"6760721".pn. and travers$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S71	1	"6760721".pn. and (search$4 or navigat $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S72	0	"6760721".pn. and ((search$4 or navigat $4) with hierarchy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S73	0	"6760721".pn. and ((search$4 or navigat $4) with hierarch$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S74	1	"6760721".pn. and ((search$4 or navigat $4) with metadata)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S75	0	"6760721".pn. and (backward$4 or revers $4 or retreat$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S76	1	"6760721".pn. and (backward$4 or revers $4 or retreat$4 or back or up)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:14
S77	2	S53 and S46	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16

S78	0	S53 and S48	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
S79	0	S53 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
S80	0	S53 and S50	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
S81	1	S54 and S46	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
S82	0	S54 and S48	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:16
S83	0	S54 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
S84	0	S54 and S50	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
S85	1	S55 and S46	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
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S87	0	S55 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17

S88	1	S55 and S50	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:17
S89	5	S56 and S46	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:18
S90	0	S56 and S48	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:18
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S92	1	S56 and S50	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 03:18
S93	1	"20050187976".pn. and (selected near3 previously)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S94	1	"20050187976".pn. and (previous$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S95	1	"20050187976".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S96	2	"6760721".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S97	98	(metadata near3 hierarchy) and ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

S98	14	(metadata near3 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S99	18	(metadata near5 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S100	4	S99 not S98	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S101	38	(metadata with hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S102	20	S101 not S99	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S103	53	(metadata with (hierarchy or tree or (tree near3 structure))) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
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S105	2539	(707/5).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S106	3836	(707/100).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S107	5215	(707/102).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S108	13522	S104 or S105 or S106 or S107	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

S109	8	S108 and S97	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S110	0	S108 and S98	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S111	0	S108 and S99	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S112	2	S108 and S101	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S113	3	S108 and S103	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S114	2	"6760721".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S115	1	"6760721".pn. and playlist	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S116	2	"6760721".pn. and (select$4 or highlight $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S117	2	"6760721".pn. and ((select$4 or highlight $4) same (display or interface))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
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S120	2	"6760721".pn. and select$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S121	1	"6760721".pn. and travers$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S122	1	"6760721".pn. and (search$4 or navigat $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
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S124	0	"6760721".pn. and ((search$4 or navigat $4) with hierarch$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S125	1	"6760721".pn. and ((search$4 or navigat $4) with metadata)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S126	0	"6760721".pn. and (backward$4 or revers $4 or retreat$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S127	1	"6760721".pn. and (backward$4 or revers $4 or retreat$4 or back or up)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S128	1	"20050187976".pn. and (selected near3 previously)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

S129	1	"20050187976".pn. and (previous$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S130	1	"20050187976".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S131	2	"6760721".pn. and (display or monitor)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S132	98	(metadata near3 hierarchy) and ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S133	14	(metadata near3 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S134	18	(metadata near5 hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S135	4	S134 not S133	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S136	38	(metadata with hierarchy) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S137	20	S136 not S134	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

S138	53	(metadata with (hierarchy or tree or (tree near3 structure))) same ((audio near3 (tracks or files)) or music or (music near3 (tracks or files)))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S139	6350	(707/3).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S140	2539	(707/5).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S141	3836	(707/100).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S142	5215	(707/102).CCLS.	USPAT; USOCR	OR	OFF	2009/11/20 19:26
S143	13522	S139 or S140 or S141 or S142	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S144	8	S143 and S132	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S145	0	S143 and S133	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S146	0	S143 and S134	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S147	2	S143 and S136	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S148	3	S143 and S138	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S149	2	"6760721".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

S150	1	"6760721".pn. and playlist	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S151	2	"6760721".pn. and (select$4 or highlight $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S152	2	"6760721".pn. and ((select$4 or highlight $4) same (display or interface))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S153	1	"6760721".pn. and default	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S154	0	"6760721".pn. and highlight$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S155	2	"6760721".pn. and select$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S156	1	"6760721".pn. and travers$4	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S157	1	"6760721".pn. and (search$4 or navigat $4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S158	0	"6760721".pn. and ((search$4 or navigat $4) with hierarchy)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S159	0	"6760721".pn. and ((search$4 or navigat $4) with hierarch$5)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

S160	1	"6760721".pn. and ((search$4 or navigat $4) with metadata)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S161	0	"6760721".pn. and (backward$4 or revers $4 or retreat$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S162	1	"6760721".pn. and (backward$4 or revers $4 or retreat$4 or back or up)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S163	2	S139 and S132	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S164	0	S139 and S134	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S165	0	S139 and S133	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S166	0	S139 and S136	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S167	2	S140 and S132	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S168	0	S140 and S134	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
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S170	0	S140 and S136	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S171	1	S141 and S132	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S172	0	S141 and S134	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S173	0	S141 and S133	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
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S175	5	S142 and S132	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
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S177	0	S142 and S133	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26
S178	2	S142 and S136	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/11/20 19:26

EAST Search History (Interference)

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11/20/2009 8:46:33 PM

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11033465	GOODMAN ET AL.
	Examiner	Art Unit
	PATRICK A DARNO	2163

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

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

CLAIM		DATE								
Final	Original	07/30/2008	04/13/2009	11/20/2009						
	1	✓	-	-						
	2	✓	-	-						
	3	✓	-	-						
	4	✓	-	-						
	5	✓	-	-						
	6		✓	✓						
	7		✓	✓						
	8		✓	✓						
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	15		✓	✓						
	16		✓	✓						
	17		✓	✓						
	18		✓	✓						
	19		✓	✓						
	20			✓						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11033465	GOODMAN ET AL.
	Examiner	Art Unit
	PATRICK A DARNO	2163

SEARCHED			
Class	Subclass	Date	Examiner
707	3, 5, 100, 102	07-3-20080	PAD
707	3, 5, 100, 102 [with limited keyword search]	04-13-2009	PAD
707	3, 5, 100; 102 [with limited keyword search]	11-20-2009	PAD

SEARCH NOTES		
Search Notes	Date	Examiner
EAST [with limited keyword search]	07-30-2008	PAD
EAST [with limited keyword search]	04-13-2009	PAD
Inventor Name Search [palm]	11/5/2009	PAD
EAST [with limited keyword search]	11-20-2009	PAD

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

PTO/SB/08a (06-09)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Complete if Known	
Application Number	11/033,465
Filing Date	1/10/05
First Named Inventor	R.Goodman
Art Unit	2158
Examiner Name	Patrick A. Darno
Attorney Docket Number	CLIP024US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,739,451	4/14/98	Winsky et al	
		US- 6,760,721 B1	7/06/04	Chasen et al	
		US- 6,976,229 B1	12/13/05	Balabanovic et al	
		US- 2002/0045960 A1	4/18/02	Phillips et al	
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FOREIGN PATENT DOCUMENTS

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

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. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] 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.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

EFS ID:	7552974
Application Number:	11033465
International Application Number:	
Confirmation Number:	8997
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Customer Number:	40032
Filer:	Robert O. Groover/chris andersen
Filer Authorized By:	Robert O. Groover
Attorney Docket Number:	CLIP024US
Receipt Date:	05-MAY-2010
Filing Date:	10-JAN-2005
Time Stamp:	10:59:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	CLIP24sb0008a.pdf	266719 4fcd4b97ddf4f363208b7bea7c1fdf668f682eb3	no	2

Warnings:

Information:

This is not an USPTO supplied IDS fillable form	
Total Files Size (in bytes):	266719

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New Applications Under 35 U.S.C. 111
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National Stage of an International Application under 35 U.S.C. 371
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New International Application Filed with the USPTO as a Receiving Office
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D9

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

Doc Code: M865 or FAI.REQ.INTV

PTOL-413A (10-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 11033465 First Named Applicant: Goodman
Examiner: Darno, Patrick Art Unit: _____ Status of Application: _____

Tentative Participants:
(1) Robert Groover (2) Patrick Darno
(3) _____ (4) _____

Proposed Date of Interview: 5/19/10 **Proposed Time:** 2pm (AM/PM)

Type of Interview Requested:
(1) [ ] Telephonic (2) [✓] Personal (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] YES [ ] NO
If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) All rejections	all		[ ]	[ ]	[ ]
(2)			[ ]	[ ]	[ ]
(3)			[ ]	[ ]	[ ]
(4)			[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached
[ ] Proposed Amendment or Arguments Attached
Brief Description of Arguments to be Presented:

Additional IDS submissions, art presented therein, and appropriate prosecution

An interview was conducted on the above-identified application on _____.
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/Robert O. Groover III/
Applicant/Applicant's Representative Signature

_____
Examiner/SPE Signature

Robert Groover
Typed/Printed Name of Applicant or Representative

30059
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. 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 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

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SONY Exhibit 1004 - Page 3940

Electronic Acknowledgement Receipt

EFS ID:	7638044
Application Number:	11033465
International Application Number:	
Confirmation Number:	8997
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Customer Number:	40032
Filer:	Robert O. Groover
Filer Authorized By:	
Attorney Docket Number:	CLIP024US
Receipt Date:	18-MAY-2010
Filing Date:	10-JAN-2005
Time Stamp:	17:58:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Requesting Interview with Examiner	CLIP24A_PTOL413A.pdf	175960 def1fbeaf0d19be788ff0fb0ff0dd46ead5ba0b2	no	2

Warnings:	
Information:	

Total Files Size (in bytes):	175960

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New Applications Under 35 U.S.C. 111

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

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New International Application Filed with the USPTO as a Receiving Office

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D10

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App'n No.: **11/033,465** Examiner: **Darno, Patrick**

Confirmation No.: **8997** Atty Docket No. **CLIP-24A**

RESPONSE

Hon. Commissioner for Patents

Sir:

Applicant responds as follows to the outstanding Office Action. Any extension of time necessary to prevent abandonment has been requested, and any fee necessary for consideration of this paper has been authorized to be charged to Deposit Account Number 07-2320.

SONY Exhibit 1004 - Page 3944

IN THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

1-5 (cancelled)

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6. (**Currently Amended**) A method for accessing media content items on a portable media player, the method comprising:

navigating to the media content through a hierarchical presentation of metadata relating to the media content items and accessed from a display of the portable media player, wherein the hierarchical presentation has at least two levels, with at least one of the two levels identifying categories relating to the metadata and another of the two levels identifying subcategories of the metadata, wherein the navigating comprises:

making a selection from a first display screen presenting one of the at least two levels of the hierarchical presentation, the first display screen having a plurality of selections, each of the plurality corresponding to the same level of the hierarchy; and

providing a second display screen based on the selection made in the first display screen, wherein the second display screen substantially replaces **and is different from** the first display screen and presents a plurality of selections relating to another level of the hierarchy; and

performing one of playback or adding to a playlist a group of media content items associated with the selection made in the first or second display screen, wherein the group is identified by the selection of a category or subcategory.

7. (Previously Presented) The method as recited in claim 6 wherein the at least two levels comprises at least a category level and a subcategory level.

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8. (Previously Presented) The method as recited in claim 6 wherein the at least two levels comprises a category level and a lower level including media content names.

9. (Previously Presented) The method as recited in claim 6 wherein the playlist is a collection of media content items defined by a user or by a device manufacturer.

10. (Previously Presented) The method as recited in claim 6 wherein the group of media content items is added to a playlist.

11. (Previously Presented) The method as recited in claim 6 wherein the group of media content items is played after adding the group to an active queue list for playback.

12. (Previously Presented) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category or subcategory on the display of the portable player and providing input to the portable player distinguishing between playback and adding to a play list.

13. (Previously Presented) The method as recited in claim 6 wherein the selected category or subcategory comprises one of album, artist, and genre.

14. (Previously Presented) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level.

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15. (Previously Presented) The method as recited in claim 6 wherein selection from the hierarchical presentation comprises highlighting the selected category after a forward traversal of the hierarchy from a higher level of the hierarchy to a lower level and a reverse traversal of the hierarchy from a lower level to a higher level.

16. (Previously Presented) The method as recited in claim 15 wherein the forward traversal comprises movement in the hierarchy from a category to at least a subcategory and wherein the reverse traversal comprises movement from the subcategory back to the category.

17. (Previously Presented) The method as recited in claim 15 wherein the hierarchy further comprises an item level at a lower level in the hierarchy than the subcategory level and wherein forward traversal comprises movement in the hierarchy from a category to at least a subcategory and an item and wherein the reverse traversal comprises movement from the item to at least the subcategory.

18. (Previously Presented) The method as recited in claim 17 wherein the forward traversal to the item displays a media content name and wherein the reverse traversal to the subcategory results in the display and selection of one of an album or an artist name for collective processing of the media content items associated with the album or artist name.

19. (Previously Presented) The method as recited in claim 14 wherein the forward traversal of the hierarchy includes the sequential presentation of at least two display screens, each of the at least two display screens substantially

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presenting a different listing of members corresponding to different levels of the hierarchy.

20. (Previously Presented) The method as recited in claim 6, wherein each display screen occupies substantially the entire area of the display of the portable media player.

21. (**New**) The method of Claim 6, wherein the portable media player has a physical size suitable for carrying in the hand, and said display screens are shown on a display which is correspondingly small.

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REMARKS

Examiner Darno is thanked for his careful Office Action, and for the courtesy of an interview.

Claims 6-20 are pending. New dependent Claim 21 is sought to be added, as supported by the specification. Claim 6 is amended, to clarify a point which is believed to have been implicit in the claim language previously. No claim scope is abandoned, and indeed Applicant's attorney respectfully asserts that the amendment to Claim 6 is not substantive.

Art Rejections

All claims have been rejected as anticipated by Chasen. Applicant respectfully traverses all of these rejections, for several reasons:

1. Chasen does not provide any enabling teaching for a portable media player.

It is quite true that Chasen mentions portable audio players – along with 15 other alternatives – in the omnibus paragraph relied on by the Examiner. However, the mere brief mention of a portable audio player does not tell one of ordinary skill how to adapt Chasen's teaching to such a device, any more than Chasen teaches how to adapt these teachings to a telephone, a router, a satellite, or a smart card. Indeed, the display screens shown in Chasen seem particularly unsuitable to small portable audio players as discussed in the present application. The Examiner might argue that Chasen provides a suggestion for adaptation of its teachings to a portable media player, but a mere suggestion to modify is not itself enough to support an alleged anticipation.

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2. Recitations related to a "group of media content items...."

Chasen does not meet Claim 6's recitations related to a "group of media content items...." Specifically, Claim 6 recites "performing one of playback or adding to a playlist a group of media content items associated with the selection made in the first or second display screen, wherein the group is identified by the selection of a category or subcategory." Examiner Darno's review of the claim limitations refers to portions of Columns 5, 6, 15, and 18 in connection with this language, but none of the cited passages show action on a group which is identified by the recited selection operations. Chasen does seem to describe manual selection of a group for reclassification, but this does not at all meet these claim limitations.

3. The first and second display screens are different

The outstanding Office Action asserts that the window displayed in Chasen's Figure 1 is both the "first display screen" and the "second display screen." Applicant's attorney respectfully disagrees with this claim interpretation, but for clarity Claim 6 is now amended to recite that the first and second display screens are different.

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Conclusion

All grounds of rejection have been (or hereby are) traversed or accommodated. Further examination is now respectfully awaited. The Examiner is cordially invited to telephone **or email** the undersigned attorney if he believes that an interview might be useful for any reason.

Respectfully submitted,

/Robert O. Groover III/

Robert Groover

Registration No. 30059

Attorney for Applicant

Date: May 24, 2010

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SONY Exhibit 1004 - Page 3952

Electronic Patent Application Fee Transmittal

Application Number:	11033465
Filing Date:	10-Jan-2005
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Filer:	Robert O. Groover
Attorney Docket Number:	CLIP024US

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	1253	1	1110	1110

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
		Total in USD ($)		1110

Electronic Acknowledgement Receipt

EFS ID:	7678832
Application Number:	11033465
International Application Number:	
Confirmation Number:	8997
Title of Invention:	Automatic hierarchical categorization of music by metadata
First Named Inventor/Applicant Name:	Ron Goodman
Customer Number:	40032
Filer:	Robert O. Groover
Filer Authorized By:	
Attorney Docket Number:	CLIP024US
Receipt Date:	24-MAY-2010
Filing Date:	10-JAN-2005
Time Stamp:	23:46:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1110
RAM confirmation Number	10030
Deposit Account	072320
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1		CLIP24A_Response.pdf	89068 e540fde36c879da793350e0bb0102c6574eb710f	yes	9

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	9

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30022 0caf65a36ef6d24ac7b948bb7ef42269ce12a9dc	no	2

Warnings:

Information:

Total Files Size (in bytes):	119090

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E1

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

ADR

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MAY 15 2006
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NORTHERN DISTRICT OF CALIFORNIA

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McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
PALO ALTO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CREATIVE TECHNOLOGY LTD.,
a Singapore Corporation,

Plaintiff,

v.

APPLE COMPUTER, INC.,
a California Corporation,

Defendant.

Case No. C06-03218 BZ

COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

SONY Exhibit 1004 - Page 3958

Plaintiff Creative Technology Ltd. hereby pleads the following claim for patent infringement against Defendant Apple Computer, Inc. ("Defendant"), and alleges as follows:

THE PARTIES

1. Plaintiff Creative Technology Ltd. is a Singapore corporation with its principal place of business located at 31 International Business Park, Creative Resource, Singapore 609921. Its wholly owned subsidiary, Creative Labs, Inc., is a California corporation with its principal place of business located at 1901 McCarthy Boulevard, Milpitas, CA 95035.

2. Creative Technology Ltd. and Creative Labs, Inc. (collectively, "Creative") are leading global suppliers of digital entertainment products. Creative was one of the first companies to invest in the research, development and commercialization of portable digital media players, commonly known as MP3 players.

3. On information and belief, Defendant Apple Computer, Inc. is a California Corporation with its principal place of business located at 1 Infinite Loop, Cupertino, CA 95014.

4. On information and belief, Defendant makes, sells, offers for sale in the United States, and/or imports into the United States, portable digital media players.

JURISDICTION AND VENUE

5. This is a civil action for willful patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because, among other reasons, Defendant is subject to personal jurisdiction in this judicial district and has committed acts of willful infringement in this judicial district.

7. On information and belief, Defendant has placed infringing devices into the stream of commerce by shipping those products into this judicial district or knowing that the devices would be shipped into this judicial district, and such products have been used and sold in this judicial district.

McDermott Will & Emery LLP
Attorneys at Law
Palo Alto

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McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
PALO ALTO

INTRADISTRICT ASSIGNMENT

8. This intellectual property action belongs to the excepted categories under Civil Local Rule 3-2(c). Thus, this action should be assigned on a district-wide basis.

THE PATENT

9. On August 9, 2005, United States Letters Patent No. 6,928,433 entitled "Automatic Hierarchical Categorization of Music by Metadata" (the "'433 Patent") was duly and legally issued to Creative Technology Ltd. Since that date, Creative Technology Ltd. has been and continues to be the owner of the entire right, title and interest in and to the '433 Patent. A true and correct copy of the '433 Patent is attached hereto as Exhibit 1 and incorporated herein.

FIRST CAUSE OF ACTION

(Infringement of U.S. Patent No. 6,928,433)

10. Paragraphs 1 through 9 are incorporated by reference as if fully stated herein.

11. Defendant has infringed, and is currently infringing, the '433 Patent, in violation of 35 U.S.C. § 271 et seq. (including Sections (a), (b), (c) and (f)), directly, indirectly, contributorily, and by inducement of and action with others, regarding making, using, selling, offering to sell in the United States, and/or importing into the United States products that embody the patented invention, including, without limitation, the iPod, iPod Nano, and iPod Mini. Defendant has had actual notice and knowledge of the '433 Patent.

12. Defendant induces infringement of the '433 Patent by actively inducing its customers in the U.S. to operate iPods, iPod Nanos and iPod Minis in direct infringement of the '433 Patent. Defendant engages in those acts despite its actual notice and knowledge of the '433 Patent.

13. The iPods, iPod Nanos and iPod Minis sold by Defendant are specifically configured to access and display music loaded by the user in ways that infringe the '433 Patent. The iPods, iPod Nanos and iPod Minis are not staple articles of commerce, and Defendant knows or should know that those players have no substantial non-infringing uses. Defendant engages in those acts despite its actual notice and knowledge of the '433 Patent.

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14. Defendant's infringement of the '433 Patent has been and is willful and intentional. This is an exceptional case pursuant to 35 U.S.C. § 285.

15. Creative has been injured and damaged by Defendant's infringement of the '433 Patent. Defendant's infringement has caused, and will continue to cause, irreparable harm to Creative, for which Creative has no adequate remedies at law, unless and until enjoined by this Court.

RELATED ACTION

16. On May 15, 2006, Creative filed a Complaint against Defendant under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, before the U.S. International Trade Commission. The Complaint is based on the unlawful importation into the U.S., the sale for importation, and/or the sale within the U.S. after importation, by Defendant and others on behalf of Defendant, of portable digital media players (*e.g.*, iPods, iPod Nanos and iPod Minis) that infringe the '433 Patent. A true and correct copy of the public version of the Complaint is attached hereto as Exhibit 2.

PRAYER FOR RELIEF

WHEREFORE, Creative Technology Ltd. prays for a judgment as follows:

A. That Defendant has infringed the '433 Patent;

B. That Defendant's infringement of the '433 Patent is willful;

C. That Defendant, its officers, agents, servants, employees, directors, attorneys, and all persons in active concert or participation with any of them, and their successors and assigns be preliminarily and permanently enjoined from infringement of the '433 Patent under 35 U.S.C. § 283;

D. That Creative Technology Ltd. be awarded all damages adequate to compensate Creative Technology Ltd. for Defendant's infringement of the '433 Patent, and that such damages be trebled under 35 U.S.C. § 284 and awarded to Creative Technology Ltd. with prejudgment interest;

McDermott Will & Emery LLP
Attorneys at Law
Palo Alto

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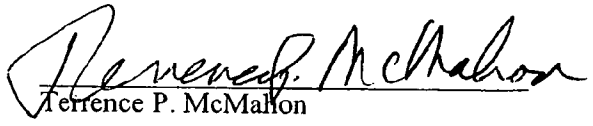
E. That this case be adjudged an exceptional case under 35 U.S.C. § 285, and that Creative Technology Ltd. be awarded its attorneys' fees, costs, and expenses incurred in this action; and

F. That Creative Technology Ltd. be awarded such other and further relief as the Court deems just and proper.

Dated: May 15, 2006

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

By: 
Terrence P. McMahon

Attorneys for Plaintiff Creative Technology Ltd.

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ATTORNEYS AT LAW
PALO ALTO

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Civil Local Rule 3-6(a), Plaintiff Creative Technology Ltd. demands a jury trial on all issues so triable.

Dated: May 15, 2006

McDERMOTT WILL & EMERY LLP

By: Terrence P. McMahon

Attorneys for Plaintiff Creative Technology Ltd.

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
PALO ALTO

MPK 108363-3.065985.0014

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Exhibit 1

US006928433B2

(12) **United States Patent**
Goodman et al.

(10) **Patent No.: US 6,928,433 B2**
(45) **Date of Patent: Aug. 9, 2005**

(54) **AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA**

(75) Inventors: **Ron Goodman**, Santa Cruz, CA (US); **Howard N. Egan**, Capitola, CA (US)

(73) Assignee: **Creative Technology LTD**, Singapore (SG)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 323 days.

(21) Appl. No.: **09/755,723**

(22) Filed: **Jan. 5, 2001**

(65) **Prior Publication Data**

US 2002/0147728 A1 Oct. 10, 2002

(51) **Int. Cl.**[7] **G06F 17/30**
(52) **U.S. Cl.** **707/4**; 707/3; 707/102; 386/46
(58) **Field of Search** 84/609, 601, 602, 84/611–614; 707/104.1, 3, 4, 102; 386/46

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Web page on "Can you carry your CD collection in your pocket? Yes, you can." Compaq web site, 3 pages, http://research.compaq.com/SRC/pjb/, Printed on Apr. 30, 2004.

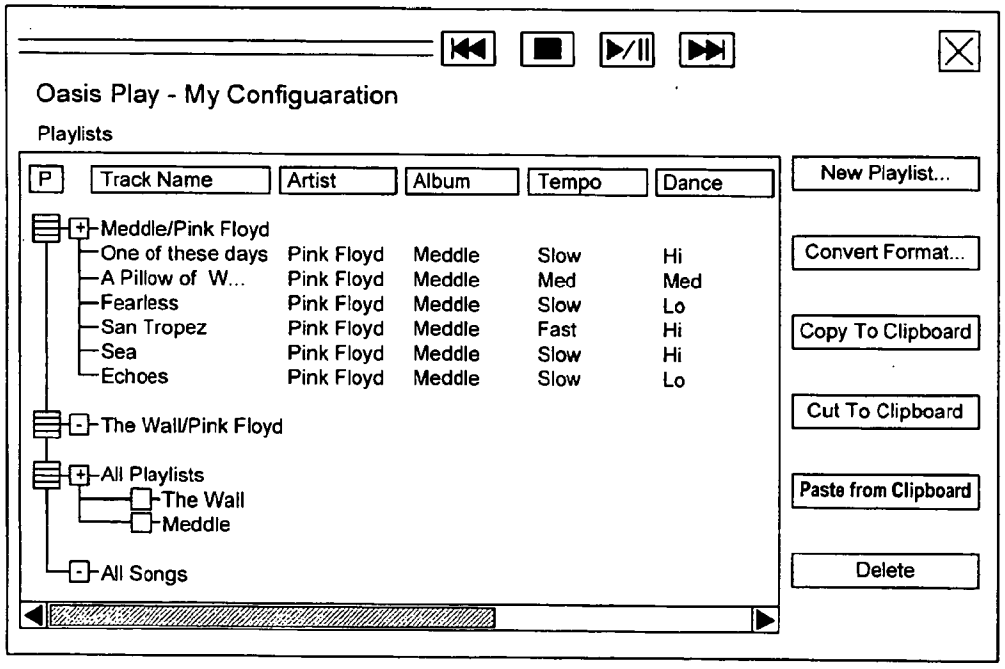
* cited by examiner

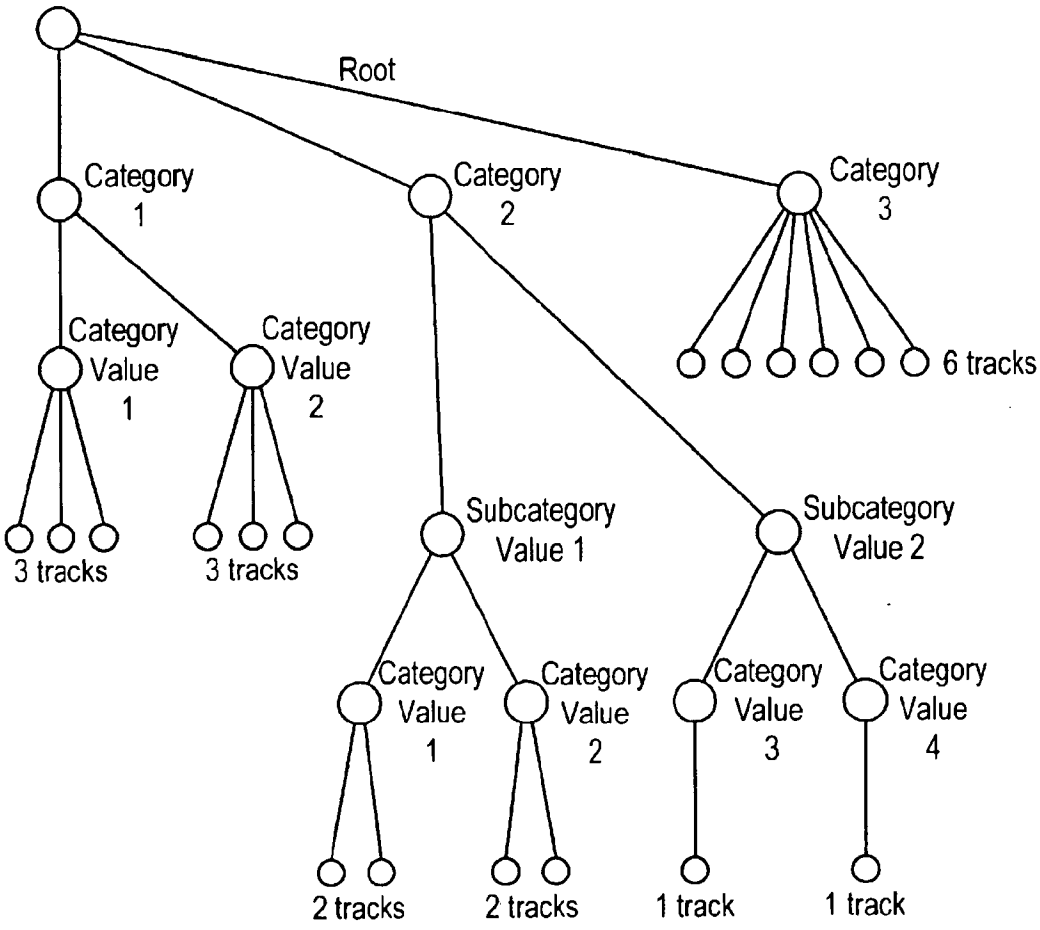
Primary Examiner—Charles Rones
(74) *Attorney, Agent, or Firm*—Russell N. Swerdon; Creative Technology LTD

(57) **ABSTRACT**

A method, performed by software executing on the processor of a portable music playback device, that automatically files tracks according to hierarchical structure of categories to organize tracks in a logical order. A user interface is utilized to change the hierarchy, view track names, and select tracks for playback or other operations.

16 Claims, 12 Drawing Sheets





For example:

Category 1 = Album Name

Category Value 1 = Abbey Road

Category Value 2 = Hits from the 60's

Category 2 = Artist Name

Subcategory Value 1 = British Artists

Subcategory Value 2 = American Artists

Category Value 1 = The Beatles

Category Value 2 = Petula Clark

Category Value 3 = Mamas and the Papas

Category Value 4 = Nick Drake

Category 3 = All tracks

FIG. 1.

```
V1.0
Albums|0x01|BLBN
Artists|0x01|BCBMBN
All Tracks|0x01|BN
```

FIG. 2.

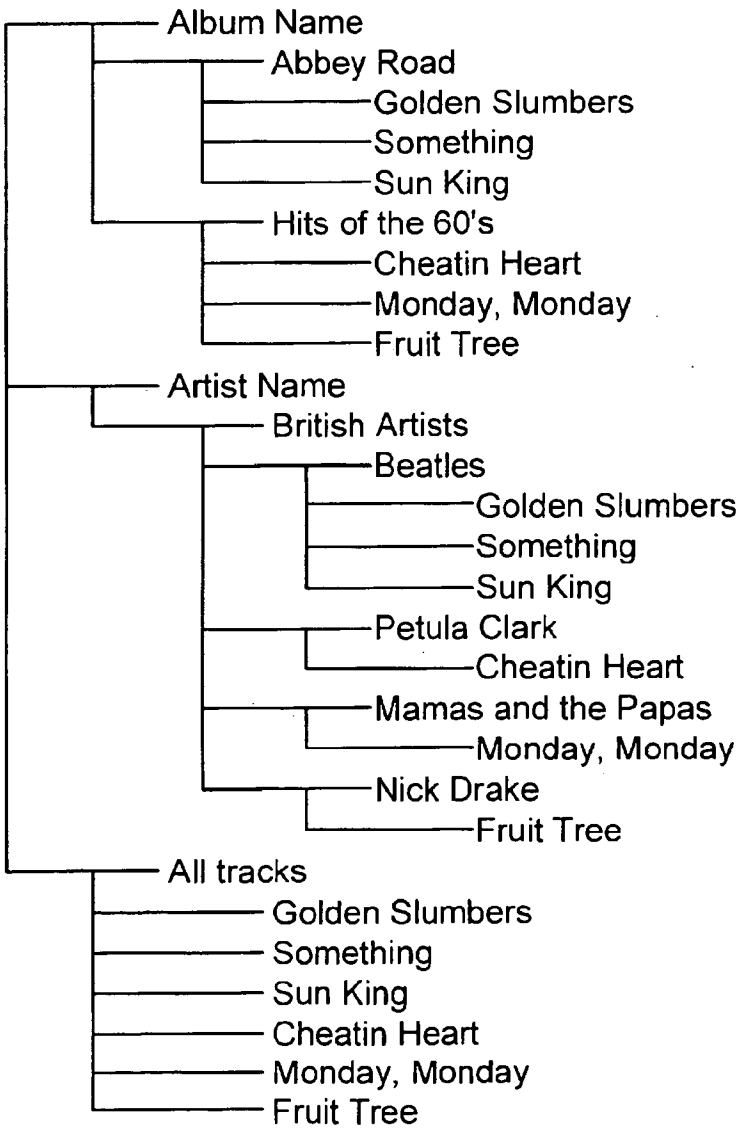


FIG. 3.

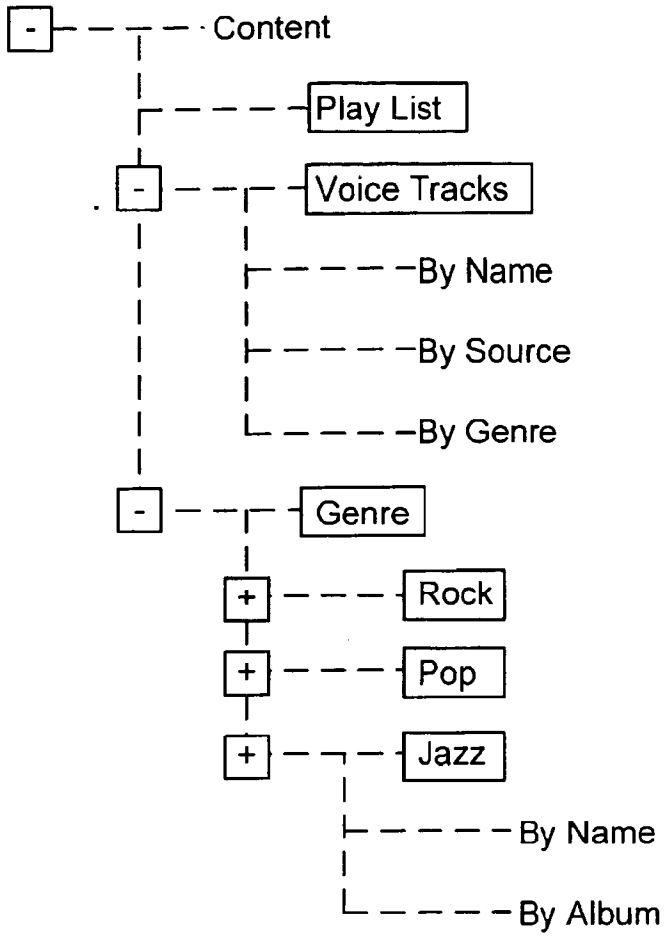

Content
Play List
Voice Tracks
By Name
By Source
By Genre
Genre
Rock
Pop
Jazz
By Name
By Album

FIG. 4.

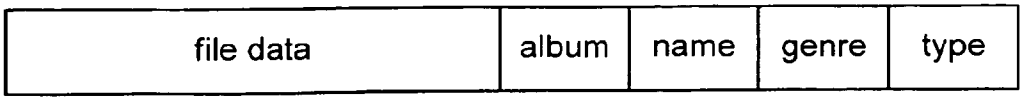

file data
album
name
genre
type

FIG. 5.

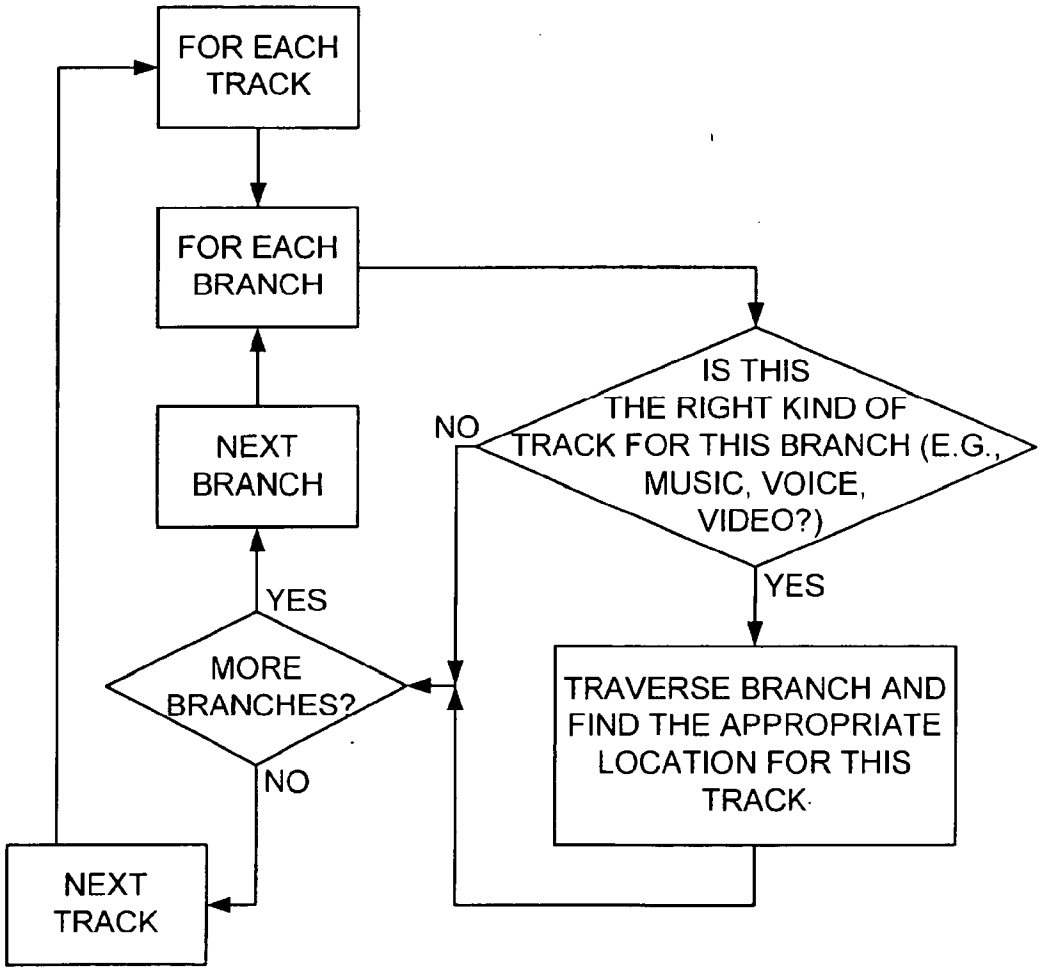

FOR EACH TRACK
FOR EACH BRANCH
IS THIS THE RIGHT KIND OF TRACK FOR THIS BRANCH (E.G., MUSIC, VOICE, VIDEO?)
NO
YES
NEXT BRANCH
YES
MORE BRANCHES?
NO
TRAVERSE BRANCH AND FIND THE APPROPRIATE LOCATION FOR THIS TRACK
NEXT TRACK

FIG. 6.

Albums	Full Moon Fever	Free Falling	
		I Won't Back Down	
		Love Is A Long Road	
	Graceland	The Boy In The Bubble	
		Graceland	
	Hotel California	Hotel California	
		New Kid In Town	
	Unknown (Created for items without Album attribute)	Track 1	
		Stardust	
Artist	Tom Petty	Full Moon Fever	Free Falling
			I Won't Back Down
			Love Is A Long Road
	Eagles	Hotel California	Hotel California
			New Kid In Town
	Paul Simon	Graceland	The Boy In The Bubble
			Graceland
Genre	Rock	Full Moon Fever	Free Falling
			I Won't Back Down
			Love Is A Long Road
		Hotel California	Hotel California
			New Kid In Town
		Graceland	The Boy In The Bubble
			Graceland

FIG. 7.

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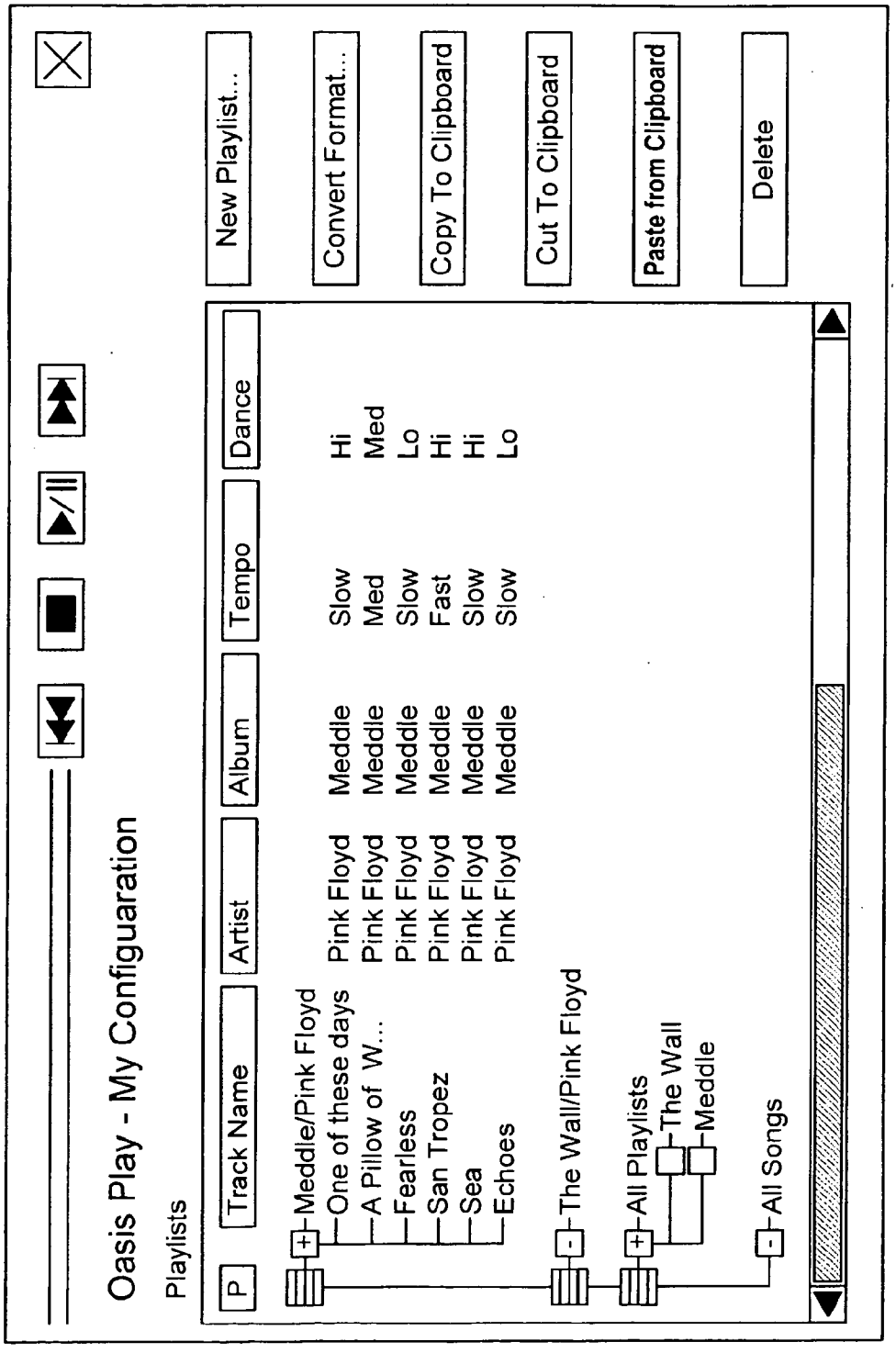

FIG. 8.

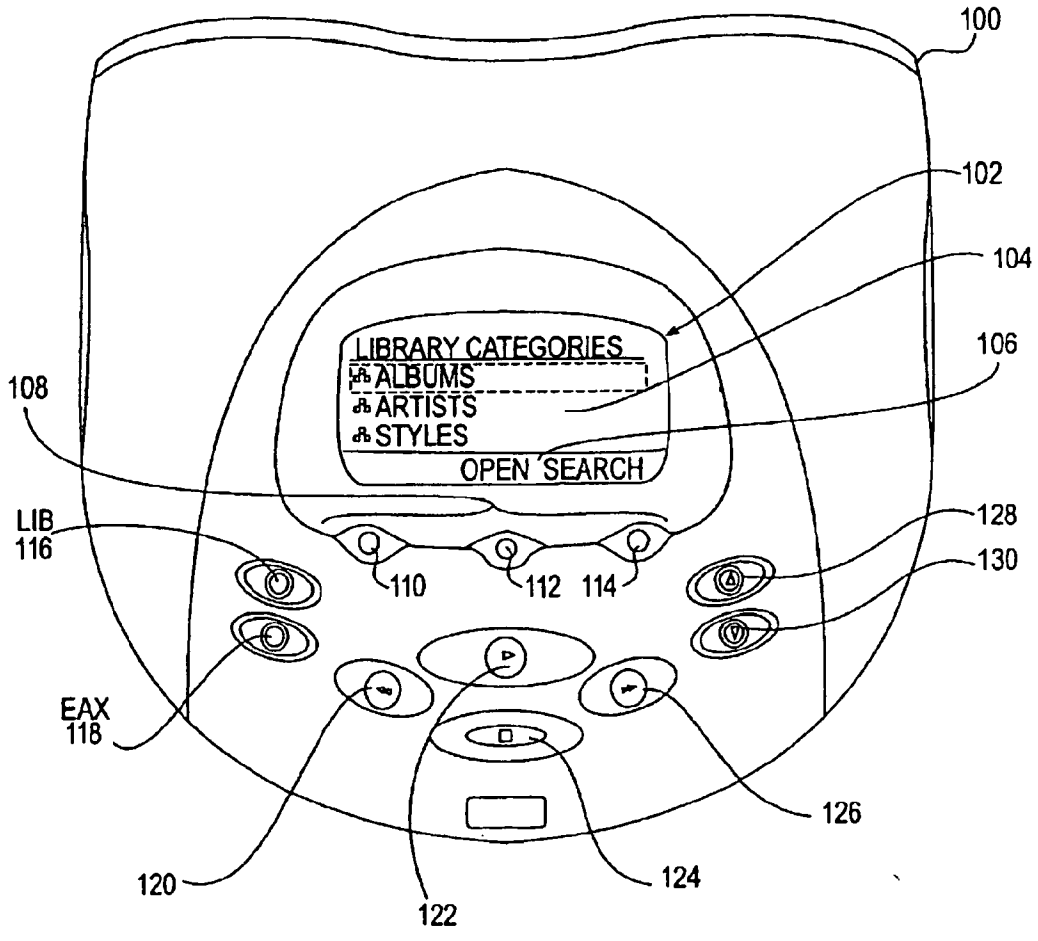
100
102
104
106
108
LIBRARY CATEGORIES
ALBUMS
ARTISTS
STYLES
OPEN SEARCH
LIB
116
110
112
114
128
130
EAX
118
120
122
124
126

FIG. 9

150
LIBRARY CATEGORIES
ALBUMS
ARTISTS
STYLES
PLAYLIST
OPEN SEARCH
152
Categories screen
The top level of the Music Library. Press OPEN (soft button) to navigate to the Lists screen.
154
LIB: ALBUMS
JUKEBOX DEMO
ROCK ART & THE X-RAY STY
1 TIME
A NIGHT TO REMEMBER
POSITIVE SWEAT
CLOSE OPEN QUEUE
Lists screen
Press OPEN to navigate to the Tracks screen.
156
LIB: JUKEBOX DEMO
JUKEBOX DEMO
CLOSE DETAILS QUEUE
Tracks screen
Press DETAILS to navigate to the Details screen.
158
LIB: JUKEBOX DEMO
TRACK? ON
•JUKEBOX DEMO
•XYZ, INC.
•0:00:45
PREVIEW CLOSE QUEUE
Details screen
The bottom level of the Music Library; cannot be expanded further.

FIG. 10

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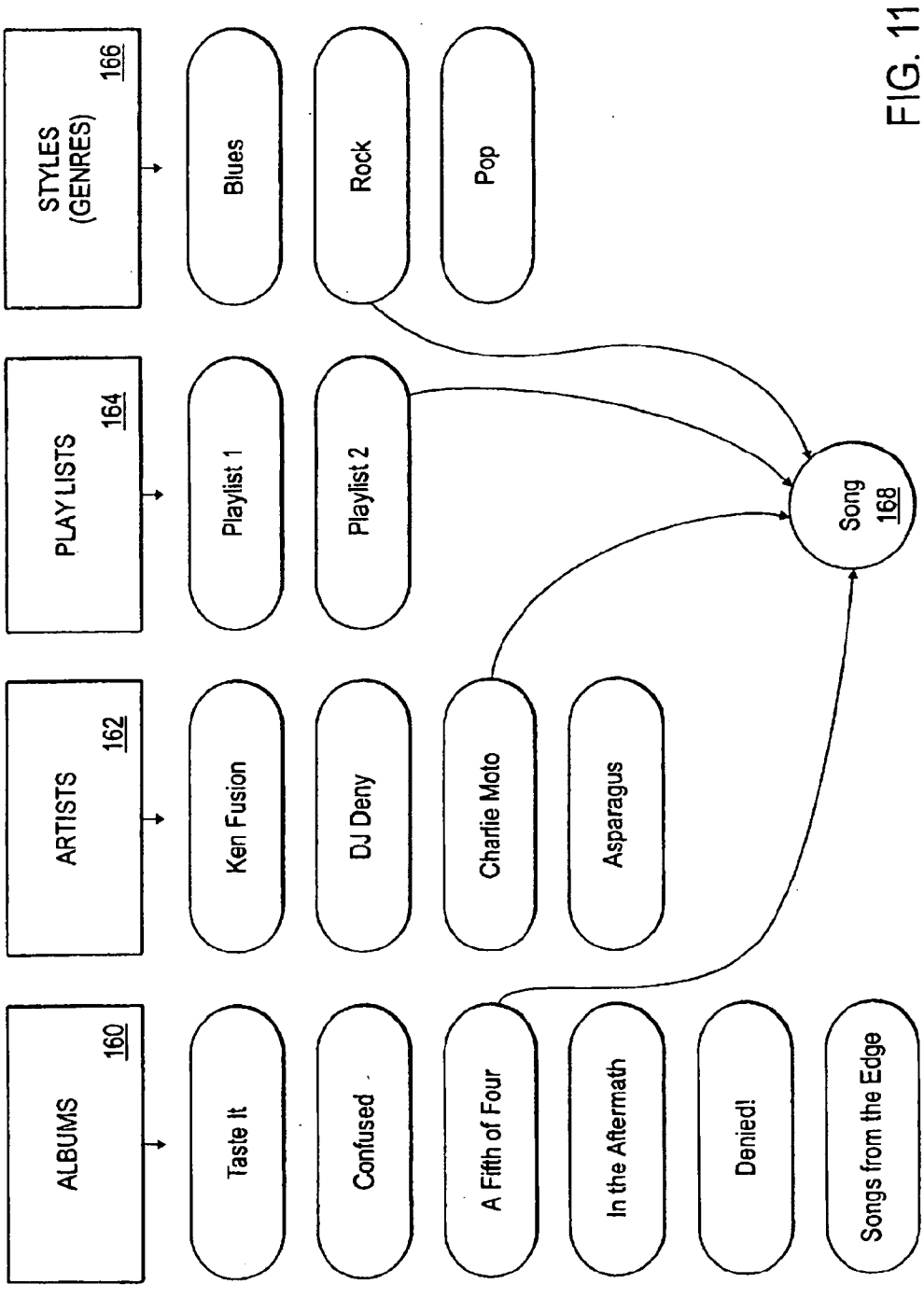

FIG. 11

LIBRARY CATEGORIES
ALBUMS
ARTISTS
STYLES
PLAYLIST
OPEN SEARCH
180
1. Press SCROLL UP/DOWN buttons to select ALBUMS.
2.Press SEARCH to access the SEARCH FOR ALBUMS screen.
Search for Albums
A
A NIGHT TO REMEMBER
GO! PLUS MINUS
182
3. Press PLUS/MINUS to change the letter and then press the SCROLL UP/DOWN buttons to move the letter entry position (indicated by a ^).
Search for Albums
BB
BEST OF BACH
GO! PLUS MINUS
184
NOTE: As each letter is entered, the letters are compared with the ALBUMS list. The ALBUM with the nearest match is displayed.
LIB: ALBUMS
BANNED IN DA SINGAPURA
BASSETT HOUND
BEST OF BACH
BEST OF BEETHOVEN
BEST OF BIZET
CLOSE OPEN QUEUE
186
4. Press GO! to jump to the nearest match. The album appears on the screen.

FIG. 12

View DETAILS accessed from the TRACKS screen:
LIB: JUKEBOX DEMO
JUKEBOX DEMO
CLOSE DETAILS QUEUE
1. Press DETAILS. The DETAILS screen displays the Track Order, Album, Artist, and duration of the track.
LIB: JUKEBOX DEMO
• TRACK? ON JUKEBOX DEMO
• XYZ, INC.
• 0:00 :45
PREVIEW CLOSE QUEUE
2. Press CLOSE to return to the TRACKS screen.
200
Viewing DETAILS accessed from the ACTIVE QUEUE LIST screen:
ACTIVE QUEUELIST
STOP: 5 TRACKS READY
JUKEBOX DEMO
TONY ADAMS
N-DRA--TRAFFIC JAM
RICK NELSON - GARDEN PARTY
DETAILS COLLAPSE CLEAR-LIST
204
1. Press DETAILS. The DETAILS screen displays the Track Title, Artist, Album together with Audio Playback settings (see note below) and Play Mode (see "Setting Play Mode" on page 16).
PLAY: TRACK 1OF 1 0.05
JUKEBOX DEMO
XYZ, INC.
JUKEBOX DEMO
EA EQ HS TS
BACK SAVELIST MODE ONCE
202
2. Press BACK to return to the ACTIVE QUEUE LIST screen.

FIG. 13

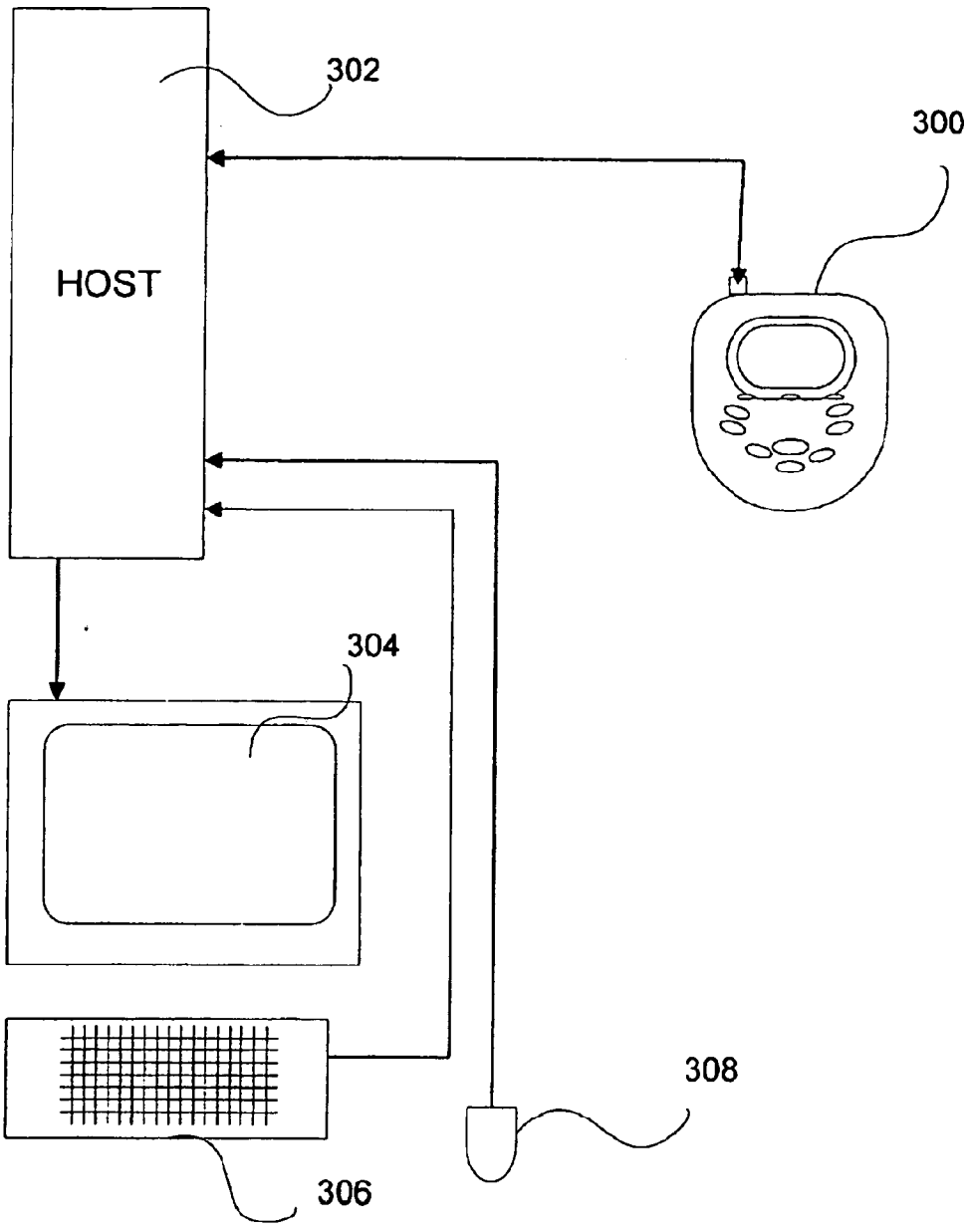

FIG. 14

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

CROSS-REFERENCES TO RELATED APPLICATIONS

This application is related to Application Ser. No. 09/755,629, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," now abandoned and Application Ser. No. 09/755,367, entitled "Audioplayback Device with Power Savings Storage Access Mode," issued as U.S. Pat. No. 6,590,730, all filed Jan. 5, 2001, the disclosures of which are incorporated herein by reference.

BACKGROUND OF THE INVENTION

Today, portable consumer electronic devices are more powerful than ever. For example, small, portable music playback devices can store hundreds, even thousands, of compressed songs and can play back the songs at high quality. With the capacity for so many songs, a playback device can store many songs from different albums, artists, styles of music, etc.

Music jukeboxes implemented in software executed by a digital computer and portable MP3 and CD players both provide facilities for forming playlists. For example, the OOZIC player, distributed by the assignee of the present application, runs on a host PC and has a playlist feature that allows selection of tracks from the PC's hard disk to be included in the playlist.

As storage capacity increases and songs are compressed to shorter file lengths the number of songs that can be stored increases rapidly. Major problems facing the consumer are organizing and accessing the tracks.

Typically, portable devices have a user interface including a small screen and buttons. Such a display screen might be, e.g., 1"×2". This small display size is necessary because of the physical size of the device which is typically carried in the hand. The small size also limits the number, size, shape, and types of user input controls that can be mounted on the device. For example, a few pushbuttons are usually provided to perform all of the device's control functions. Using such a compact user interface to navigate and select among hundreds of songs is inefficient and often frustrating. The display screen can only show a few song titles at one time, and the limited controls make it difficult for a user to arbitrarily select, or move among, the songs.

The creation of playlists is one technique to organize the playing of songs. A set of songs can be included in a playlist which is given a name and stored. When the playlist is accessed, the set of songs can be played utilizing various formats such as sequential play or shuffle.

However, the creation of playlists itself becomes problematic as the number of songs increases, since the user often arbitrarily selects songs from a large number of tracks to form a playlist. This selection mechanism: can be fairly tedious; does not necessarily produce playlists that are of interest to the user over the course of time; may not remain up-to-date if new songs are added that logically fit into a previously created playlist (e.g. "Favorites by Band X" might become out of date if a new favorite by Band X is added after the playlist was created); and leads to "lost" songs that are not members of any playlist.

Accordingly, improved techniques for organizing and grouping tracks useful in a portable music player are needed.

Further, it is desirable to provide a user interface suitable for a small device. The user interface should allow a user to efficiently navigate among, and select from, many items stored in the device.

SUMMARY OF THE INVENTION

The present invention provides an efficient user interface for a small portable music player. The invention is suitable for use with a limited display area and small number of controls to allow a user to efficiently and intuitively navigate among, and select, songs to be played. By using the invention, very large numbers of songs can be easily accessed and played.

One aspect of the invention includes an overlapping hierarchy of categories. Categories include items that can also be included in other categories so that the categories "overlap" with each other. Thus, a song title can be accessed in multiple different ways by starting with different categories. For example, a preferred embodiment of the invention uses the top-level categories "Albums", "Artists", "Genres" (or styles), and "Play Lists". Within the Albums category are names of different albums of songs stored in the device. Within each album are the album tracks, or songs, associated with that album. Similarly, the Artists category includes names of artists which are, in turn, associated with their albums and songs. The Genre category includes types of categories of music such as "Rock", "Hip Hop", "Rap", "Easy Listening", etc. Within these sub-categories are found associated songs. Finally, the "Play Lists" category includes collections of albums and/or songs which are typically defined by the user.

Advantageous use is made of the overlapping hierarchy to allow the user to quickly designate a song for playback. The device uses three "soft" pushbuttons that have assignable functions. The interface maintains consistent button functionality whenever possible and uses uniform command names and operations in different types of items so that the interface is more intuitive. For example, the user can open and queue both albums and songs with predictable results.

The interface also provides for multiple functions for a single control. For example, a "Play" button can act, in a first function, to play a currently-selected song. The Play button can act, in a second function, to cycle through different playback modes. The modes can be, e.g., (1) playback of songs from a hard disk; (2) playback of music from a radio receiver built into the device; and (3) playback of voice messages. The first function for the Play button can be activated by momentarily depressing the Play button for a short period of time. The second function is invoked by depressing the Play button for a longer period of time whereupon the device cycles through the different modes. Other ways of invoking the functions are possible such as where the second function is automatically entered from a powered-down state.

In one embodiment, the invention provides a method for selecting songs to be played in an electronic audio device, wherein the device includes a display and one or more user input controls, wherein songs are organized into categories, albums, wherein songs and albums are associated with artist names. The method includes steps of displaying categories on the display; accepting signals from a user input control to select a category; displaying one or more songs in the selected category on the display; accepting signals from a user input control to select a displayed song; and entering selected songs into a playlist queue, wherein the device plays back songs in the playlist queue.

According to one aspect of the present invention, a technique is provided for organizing tracks on a portable music player by automatically filing tracks in a hierarchical order based on attributes of the tracks.

According to another aspect of the invention, metadata is associated with each track that is used to automatically define the track's appropriate place in the hierarchy.

According to another aspect of the invention, the hierarchy is displayed on the portable music player so that a user can traverse the organizational hierarchy to find individual tracks or find playlists composed of logical groups of tracks.

According to another aspect of the invention, the hierarchy is derived by using metadata associated with the audio content that was obtained through any source of metadata (e.g. CDDB metadata, id3v2 metadata, other obtainable metadata) and subsequently stored with or alongside the file that stores the track.

According to another aspect of the invention, a file is formatted so that an unaltered track is stored as file data and information about the track is stored in file attribute files.

Other features and advantages of the invention will be apparent in view of the following detailed description and appended drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. **1** is a schematic diagram of a tree structure for hierarchical filing of tracks;

FIG. **2** is a definition file that specifies the hierarchy depicted in FIG. **1**;

FIG. **3** is a user's view of the hierarchy;

FIG. **4** is a schematic diagram of a user interface displaying the hierarchical category structure;

FIG. **5** is a diagram of a file format for storing filed data and file attributes;

FIG. **6** is a flow chart depicting steps for filing tracks according to the hierarchical tree structure;

FIG. **7** depicts a tree resulting from searching the tracks; and

FIG. **8** depicts a format for a user interface;

FIG. **9** illustrates the NOMAD Jukebox and its user interface controls;

FIG. **10** illustrates a sequence of display screens describing how to navigate to lower levels;

FIG. **11** illustrates associations among items;

FIG. **12** shows display screens used to search for a song or other item;

FIG. **13** illustrates details of different items; and

FIG. **14** illustrates a playback device coupled to a host computer system.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

A preferred embodiment of the invention will now be described in the context of a portable personal player that plays audio files stored in memory. The files may be in MP3, wav. or other digital formats.

In the presently described embodiment, users are able to see the tracks on their player in some organized fashion other than as a single list of tracks. As will be described in more detail below, in one embodiment tracks are sorted utilizing a tree structure having branches labeled according to types of metadata associated with the tracks

For example, a track recorded as "Golden Slumbers" by the Beatles that appears on their album "Hey Jude" might appear as a track under the album "Abbey Road" as well as a track under the list of tracks by the Beatles. It might appear as a track under the genre "Pop Rock" as well as "Songs from the 60's." Furthermore, the organization can have more complex hierarchies. For example, the category of "Pop Rock" might contain subcategories "British Musicians," "American Musicians" and "Other Musicians". In all cases, the track is automatically filed into all appropriate locations without requiring user interaction.

In the currently defined embodiment, a tree structure is defined by a file having the following structure.

The first line of a TreeDef.inf file contains a version number:

V1.0

Each subsequent line (at least in v1.0) contains lines of the following format:

CATEGORY_NAME|TRACK_TYPE MASK|CATEGORY_STRUCTURE

CATEGORY_NAMEs are the top-level names of the branch under which tracks are sorted. They include things like "Album," "Artist," "Voice Tracks," "All Tracks," etc.

TRACK_TYPE_MASKs tell which types of tracks are to be filed under this particular branch. The actual value is a hexadecimal numerical value (in '0X' format, e.g. 0X01) generated by ORing the following flags together as appropriate:

```
enum tTrackType
{
    kTTNothing=0x00,
    kTTSong=0x01,
    kTTVoice=0x02,
    kTTBook=0x04,
    kTTMacro=0x08,
    kTTPlaylist=0x10
};
```

So, for example, the "Album" branch has a TRACK_TYPE_MASK of kTTSong, because only songs are filed under that branch, but the "All Tracks" branch has a TRACK_TYPE_MASK of (kTTSong|kTTVoice|kTTBook).

Other elements might be added to tTrackType (e.g. kTTVideo) as appropriate.

CATEGORY_STRUCTUREs tell how to file the songs based on their metadata information. The CATEGORY_STRUCTURE is a string of characters that tell, from left to right, the order of hierarchy. The characters come from the following enum constants:

```
enum tFileTag
{
    kFTNone='@',
    kFTTrackType='T',
    kFTTitle='N',
    kFTAudioFile='F',
    kFTArtist='M',
    kFTAlbum='L',
    kFTGenre='G',
    kFTSource='S',
    kFTYear='Y',
    kFTArtistCountry='C'
};
```

Thus, a CATEGORY_STRUCTURE of LN tells to create a subcategory that is a list of Albums, each of which contains a list of Tracks.

In total, a line like:

Album|0x01|LN

Says to create a branch called "Album" which contains tracks of type kTTSong organized first by album name, and then by track name.

The following is an example of a tree definition file similar (though not identical) to the hierarchy presented in the Nomad Jukebox product (the 'B' before each FileTag was used to identify that these are basic tags so that we wouldn't run out of letters in the alphabet as we included more complex metadata—thus each group of two letters represents a level in the hierarchy):

```
V1.0
Album|0x01|BLBN
Artist|0x01|BMBN
Genre|0x01|BGBN
Voice Tracks|0x02|BSBGBN
Playlists|0x10|BN
Macros|0x08|BN
All Tracks|0x07|BN
```

FIG. **1** depicts a hypothetical organization hierarchy. The tree shows how tracks might be listed (as leaves in the tree) after having been organized. Example values for nodes in the tree are shown as well. The same track may appear more than once as a leaf in the tree, as described above, if it fits into multiple categories (e.g. a song that appears on the Abbey Road branch would also appear in the Beatles branch). In the example shown, the first branch contains tracks organized by album. As shown in the example, this music collection contains three tracks from "Abbey Road" and three tracks from "Hits from the 60's". The second branch contains tracks organized by artist, and sub organized by where the artist is from. Thus, a user browsing would first select the "Artists" branch and then choose between "British Artists" and "American Artists". Finally, they would select the particular artist. In the third branch, all tracks are shown.

The tree definition file that would specify the hierarchy shown in FIG. **1** is shown in FIG. **2**.

The first line identifies the version of the tree definition file.

The second line defines the "Albums" branch. The first part of the line, "Albums" defines the name of the branch. The second part, "0x01," defines that all musical tracks should be categorized on this branch. The third part, "BLBN," defines that the branch lists first the names of all albums (BL) and then tracks on those albums (BN).

The third line defines the "Artists" branch. The first part of the line "Artists" defines the name of the branch. The second part, "0x01, " defines that all musical tracks should be categorized on this branch. The third part, "BCBMBN," defines that the branch lists first the names of all countries where artists in this collection come from (BC) and under those items, the artists' names (BM), and then tracks by those artists (BN).

FIG. **3** shows what a user's view of this hierarchy might be if he/she were shown a fully expanded view of the 6-song tree. Notice that each song appears three times, once in each branch.

In consumer products the tree define file is not edited directly but through a user interface, one example of which is depicted in FIG. **4**. An example of a user interface for viewing songs by category and editing the tree structure is depicted in FIG. **4**.

An embodiment of the invention is utilized in the Nomad® Jukebox, manufactured by the assignee of the present invention, and described more fully in the copending application, filed on the same date as the present application, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," (Attny. Docket No. 17002-020800).

In a preferred embodiment, metadata is associated with each track and includes such information as title, genre, artist name, type, etc. In the preferred embodiment, software stored in a portable player and executed by the onboard processor automatically files each track in the correct category utilizing the associated metadata and the tree define file. The program code can be stored in any computer readable medium including magnetic storage, CD ROM, optical media, or digital data encoded on an electromagnetic signal.

Thus, the user is automatically provided with a powerful and flexible tool for organizing and categorizing the tracks stored on the portable player.

If the tracks are formatted in MP3 format the metadata can be stored in ID3 tags included in the MP3 file. In one embodiment of the invention, the tracks are stored in alternate file format including file data and file attributes. The file data is the music track itself and the file attributes part of the file includes fields of arbitrary size which are used to store metadata characterizing the track stored as the file data. Again this metadata includes information about the track such as title, genre, artist name, type, etc.

There are several advantages to using the alternate file format. Metadata of types not easily included in an ID3 tag can be utilized. Further, the original track format is not changed, so that error correction data such as checksums are valid. Finally, any file format can be used (e.g. WAV, WMA, etc.) because the metadata is stored separately, and thus audio formats that have limited support for metadata can still be stored on the portable player in native format without transcoding. The formatted files are formed by software stored in the portable music player and executed by an on-board processor.

The metadata for each track is utilized to file each track, using the categories defined in the hierarchical structure as described above, without any input from the user.

FIG. **5** is a schematic diagram of the alternative file format including file data in the form of an MP3 track, and metadata fields for holding data indicating the name of the album the track is from, the name of the song, the genre of the song, and the type of track.

A particular embodiment of a file format will now be described. All tracks are created with some set of attributes as shown below:

Definition of TrackInfo Data Field

Field	Offset	Size	Description
Attribute Count	0	2	The number of attribute follow for the track
Attr 1 type	2	2	Binary = 0, ASCII = 1
Attr 1 name len	4	2	Length of attribute name string
Attr1 data len	6	4	Length of attribute data
Attr1 Name	10	N	Attribute name string
Attr 1 Data	10 + N	M	Attribute data
. . .			
. . .			
Attr N type			
Attr 1 name len			
Attr1 data len			
Attr1 Name			
Attr 1 Data			

-continued

Required Attributes		
Attribute Name	Value(s)	Remarks
TITLE	ASCII string	RequiredByJukebox
CODEC	"MP3", "WMA", "WAV"	RequiredByJukebox
TRACK ID	DWORD	Set By Jukebox
ALBUM	ASCII string	Optional
ARTIST	ASCII string	Optional
GENRE	ASCII string	Optional
LENGTH	In seconds	Optional
TRACK SIZE	In bytes	Optional
TRACK NUM	1–n (track within album)	Optional

These attributes can be subsequently changeable via a host application, running on a personal computer connected to the portable music player.

FIG. **6** shows a flow chart of an embodiment the process used to build the hierarchical database of tracks. It starts by iterating through each track, and, for each track, iterating through each branch to find if the track belongs on the branch, and, if so, where. In this case, the term track could refer to any content, e.g. a music track, a spoken word track, or even a video track.

Also, the hierarchical catalog of tracks can be used to form playlists in a structured manner. For example, if a user wants to hear Jazz and Blues the entire sub-categories can be selected to form one playlist.

An alternative hierarchical catalog generation technique will now be described. In this alternative embodiment, at system startup and as tracks are added or changed, the hierarchy is generated as an in-memory tree structure. Each track is added to the tree using the categories ALBUM, ARTIST and GENRE.

The following example shows the algorithm for adding a track. For clarity, only the attributes used by the tree are shown.

TITLE	"Free Falling"
ALBUM	"Full Moon Fever"
ARTIST	"Tom Petty"
GENRE	"Rock"
TRACK NUM	1

The following function is executed to build the in-memory memory tree.

```
Build Tree( )
For each track,
    Add Track To Category(Album, Track)
    Add Track To Category(Artist, Track)
    Add Track To Category(Genre,Track)
End of Build Tree
```

FIG. **7** depicts a tree which could result from implementing Build Tree( ) function. Note that "Stardust" does not have any entries for Album or Artist. The host software running on a computer connected to the portable music player could be utilized to add missing attributes to the "Stardust" track and, optionally, edit the title attribute. The Build Tree( ) function would then reinsert this track in the correct location in the tree.

FIG. **8** is an embodiment of a user interface according to another embodiment of the invention. In this example the root node is labeled "My Configuration" and the Playlist category has been selected and the Playlist subcategory "Meddle" has been selected. Note that the types of Metadata, in this example, Track Name, Artist, Album, Tempo and Dance, are listed across the top of the screen, and the attribute values for each track are listed in a row across the screen. Various control buttons are displayed to the right of configuration window that facilitate quickly invoking selected processing on a selected track.

As noted above, a preferred embodiment of the present invention is incorporated into a product manufactured and distributed by Creative Technology, Ltd. The product is called the "NOMAD Jukebox." The following description describes further details of the display screens and interface controls.

FIG. **9** illustrates the NOMAD Jukebox and its user interface controls.

In FIG. **9**, electronic audio device **100** measures about 5.5" wide by 5.5" tall by 1" thick. Display screen **102** is about 2" wide by 1" tall. Display screen **102** includes different regions such as main region **104** and soft button function description region **106**.

Three soft buttons are located at **108**; including buttons **110**, **112** and **114**. The specific command, or function, that any of the soft buttons perform when depressed is indicated by the label in soft button function description region **106**. Thus, the function of soft button **112** (as shown in FIG. **9**) is "open," the function of soft button **114** is "search" while soft button **110** is currently not assigned a function.

The other eight buttons on device **100** perform essentially the same functions at all times. In other words, they are not subject to function changes according to soft button function description area **106**. These button include Library button **116**, EAX and System button **118**, Skip Backward button **120**, Play button **122**. Stop button **124**, Skip Forward Button **126**, Scroll Up button **128** and Scroll Down button **130**. However, as discussed below, these buttons (or any type of controls used with the device) can include alternate functionality that is invoked in different ways.

The device uses visual cues, or indicators, in the display. When an item is highlighted it indicates that the item is the "current" item, or currenty-selected item, which is susceptible to be operated on by a subsequent user action—such as playback, or expansion of the item. In FIG. **1**, screen **102** shows that the item, "ALBUMS," is highlighted. The highlighted item can be acted upon by using the soft buttons, or another button, as decribed below. The current item can be changed by using Scroll Up button **128** and Scroll Down button **130** to move the highlight up or down, respectively, throughout a list of displayed items.

Icons are used to provide additional visual cues for an item. In FIG. **1**, each of the categories has a category icon to the left of it. The category icon, which may not be distinctly visible in the Figure, illustrates a first box connected by lines to additional boxes below the first box. The icon depicts a hierarchy and illustrates the property of categories, i.e., that categories can contain additional categories, songs or other items.

FIG. **10** illustrates a sequence of display screens describing how to navigate to lower levels.

In FIG. **10**, library category screen **150** shows the display as it appears when the user depresses library button **116** of FIG. **9**. A preferred embodiment of the device uses 4 first-level categories. These are "Albums", "Artists," "Styles" and "Play Lists". Each of these categories can "contain," or be associated with, other categories, songs, or items.

Note that in library category screen **150** ALBUMS is currently highlighted. By depressing soft button **112** of FIG.

9, the "open" command is performed on the highlighted category, as indicated by the labeling of soft button **112** and soft button function description area **152** of FIG. **10**.

Lists screen **154** is displayed as a result of a user opening Album category of library category screen **150**. Lists screen **154** shows items within the Albums category such as commercial albums of multiple songs from a record label, pre-made lists or collections created by a user, or other predefined lists or collections of songs or recordings.

In FIG. **10**, lists screen **154** shows each item as a list of songs. This is shown visually by the icon to the left of each item which depicts a miniature list. Possible soft button commands are "Close", "Open" and "Queue". These commands correspond to soft button **110**, **112** and **114**, respectively. If the user selects the Close command, the display reverts to library category screen **150**. If the user selects the Open command, the display shows tracks screen **156**. Alternatively, the user can select the Queue command to instruct the device to place all the songs from the selected (i.e., highlighted) list into the play list for eventual playback. Yet another option allows the user to press play button **122** of FIG. **9** to cause any currently-selected songs or a list of songs (e.g., an album) to immediately be played.

Returning to FIG. **10**, tracks screen **156** shows that a single song called "JukeBox Demo" is in the list. The list is also called JukeBox Demo as shown in lists screen **154**. Tracks screen **156** shows possible soft commands assigned to buttons, namely "Close", "Details" and "Queue." The Close button performs the same function as before—it returns the user to the previous screen which, in this case, is lists screen **154**. The user can also select the Details command to cause details of the song JukeBox Demo to be displayed in details screen **158** as shown in FIG. **10**. The user can select the Queue command by soft butto **114** to enter the selected song into the play list queue. As before, the user can also depress play button **122** of FIG. **9** to cause immediate playback of the selected song.

Details screen **158** shows information about the selected song including the name of the song, album (or list) name containing the song; the track number, if applicable, and track duration. Note that other information can be included. The user can preview the song, close the Details screen to return to the Tracks screen or queue the song on the play list queue.

The device provides the ability to "preview" audio files even while a current song, or playlist, is being played. When a user chooses to preview an audio file, the audio file is played for about 10 seconds while any currently-played file or playlist is suspended. After previewing is complete, the suspended file or playlist resumes playback. In other embodiment, the preview duration can vary, or be stopped by user selection.

FIG. **11** illustrates associations among items.

In FIG. **11**, song **168** is one of many songs stored in the device. Categories such as albums **160**, artists **162**, play lists **164** and genres **166** each include sub-categories. For example, albums **160** includes the names of various albums. Songs are associated with albums, genres and playlists. Such association can be by using pointers, a data structure including items to be associated, etc. "Association" as used herein, includes a first item associated with a second item; and the second item associated with the first item. In other words, albums can be associated with one or more songs in the database of the device so that an utomated search to find all songs associated with an album is easier. The direction of arrow pointers in FIG. **11** is not intended to limit the manner of associations among items in the present invention.

Similar to albums, the category of artists **162** includes names of artists, or performers, of songs. Each artist name is associated with one or more songs in the database. Playlists **164** includes names of playlists. These are collections of songs that can be defined by the user, the device manufacturer, or others. Each playlist can be associated with one or more songs. Genres **166** includes various styles of music which are associated with one or more songs. Genres **166** includes various styles of music which are associated with one or more songs in the database. Note that items can exist without being associated with a song. Also, items can be associated with other items as where an artist name is associated with the albums containing the songs that the artist has created.

Although not shown in FIG. **11**, items can have additional information, such as properties, details, etc., associated with the item. For example, a song can have information such a play time, artist name, artist album, copyright owner, etc., associated with the song.

FIG. **12** illustrates display screens used to search for a song or other item.

In FIG. **12**, screen **180** is the initial library screen, as discussed above. If the user invokes the Search command (via the appropriate soft button) with Albums selected then screen **182** is displayed. Note that the search function can be applied to any of the categories. The user can depress the Plus or Minus soft buttons to cycle through the alphabet and change the character in the current location as indicated by the cursor. The cursor position is changed by using the scroll up/scroll down buttons **128** and **130**, respectively, of FIG. **9**. As each letter is entered the letters are compared and the nearest match of the stored albums' names is displayed as shown in screen **184**. When the desired match is displayed the user selects the Go! command. Screen **186** shows the result of selecting the Go! command. A list of albums is displayed with the matched album centered and selected. The user can close, open or queue the album as discussed above.

FIG. **13** illustrates details of different items.

In FIG. **13**, screen **200** illustrates details displayed as a result of selecting the "Details" command from soft button 1A track is selected. Screen **200** shows that details of the track "JukeBox Demo" shows the name of the album that the track resides on, the creator, or copyright owner, of the track, and the playing time of the track.

Screen **202** illustrates details of an item on the active queue list. Items are placed onto the active queue list be selecting the "Queue" command when an album, song, track, or other item is selected, as discussed above. For example, screen **204** shows the active queuelist where the track "JukeBox Demo" is selected. By invoking the "Details" command screen **202** is brought up to show details of the Jukebox Demo track.

As shown in screen **202**, the Detail screen shows what track number the selected track is, which album the track is from; the creator, or copyright owner, of the track, and the title of the track. Additionally, the details for an item on the queue list also show playback settings. These are shown by two-letter abbreviations at the bottom of the screen. The settings are as shown in Table I, below.

TABLE I

EA	Environmental Preset
EQ	Parametric EQ
HS	Headphone Spatialization
TS	Time Scaling

TABLE I-continued

4S	Four Channel Speaker Sound (only if speakers are connected)

These settings have their common meanings, as is known in the art. Note that the setting **4S** is not shown in screen **202** as it is not currently active.

FIG. **14** illustrates the Nomad Jukebox coupled to a host computer system.

In FIG. **14**, device **300** (e.g., the Nomad Jukebox) is coupled to host system **302**. In a preferred embodiment host system **302** is a personal computer, such as an IBM-PC compatible computer. Host sytem **302** includes a user interface having display **304** and user input devices such as keyboard **306** and mouse **308**. In other embodiments the host system need not be a full computer system. Any type of processing system having a user interface is possible. For example, it is possible to couple the device to a laptop computer, game console, web-enabled television, or any consumer electronic device or digital platform, in general. The host user interface need not provide a display and can be much more minimal than the keyboard and mouse shown in FIG. **14**. A preferred embodiment of the invention uses a Universal Synchronous Bus (USB) connection but any type of connection such as IEEE 1394 (FireWire), Ethernet, Serial Port, etc. can be used. A wireless (i.e., optical or radio frequency) connection can be used.

Once device **300** is coupled to host system **302**, a user of host system **302** can launch a bridge interface to allow for the transfer of files between device **300** and host system **302**. In a preferred embodiment, once the bridge interface is launched, the controls of device **300** are inoperable. The user interface of host sytem **302** is used to operate the bridge interface to transfer files.

The invention has now been described with reference to the preferred embodiments. Alternatives and substitutions will now be apparent to persons of skill in the art.

What is claimed is:

1. A method of selecting at least one track from a plurality of tracks stored in a computer-readable medium of a portable media player configured to present sequentially a first, second, and third display screen on the display of the media player, the plurality of tracks accessed according to a hierarchy, the hierarchy having a plurality of categories, subcategories, and items respectively in a first, second, and third level of the hierarchy, the method comprising:

selecting a category in the first display screen of the portable media player;

displaying the subcategories belonging to the selected category in a listing presented in the second display screen;

selecting a subcategory in the second display screen;

displaying the items belonging to the selected subcategory in a listing presented in the third display screen; and

accessing at least one track based on a selection made in one of the display screens.

2. The method of selecting a track as recited in claim **1** wherein the accessing at least one track comprises selecting a subcategory in the second display screen and playing a plurality of tracks associated with the selected subcategory.

3. The method of selecting a track as recited in claim **1** wherein the accessing at least one track comprises selecting a subcategory and adding the tracks associated with the selected subcategory to a playlist.

4. The method of selecting a track as recited in claim **1** wherein the accessing at least one track comprises selecting an item in the third display screen and playing at least one track associated with the selected item.

5. The method of selecting a track as recited in claim **1** wherein the accessing at least one track comprises selecting an item in the third display screen and adding at least one track associated with the selected item to a playlist.

6. The method of selecting a track as recited in claim **1** wherein the accessing at least one track comprises one of playing or adding to a playlist at least one track associated with a selected one of the category, subcategory, and item.

7. The method of selecting a track as recited in claim **1** wherein the accessing at least one track is made after the presentation of the third display screen by reverting back to one of the second and first display screens, the second display screen presented sequentially after the third display screen.

8. The method of selecting a track as recited in claim **1** further comprising selecting one of the items displayed in the third display screen and presenting a listing of items associated with the selected item in a fourth sequentially presented display screen.

9. The method of selecting a track as recited in claim **1** wherein the category genre is selected in the first display screen from available categories that include at least artist, album, and genre; and the subcategories listed in the second display screen comprise a listing of at least one genre type and one of the at least one genre type is selected.

10. The method of selecting a track as recited in claim **9** further comprising displaying in the third display screen at least one album associated with the selected genre type and selecting one of the at least one albums displayed in the third display screen and presenting a listing of tracks associated with the selected album in a fourth sequentially presented display screen.

11. The method of selecting a track as recited in claim **1** wherein the category artist is selected in the first display screen from available categories that include at least artist, album, and genre; the subcategories listed in the second display screen comprise a listing of names of artists and a first artist name is selected; and the items displayed in the third display screen comprises at least one album associated with the first artist name.

12. The method of selecting a track as recited in claim **1** wherein the track is a music track, accessing at least one track comprises accessing a track title in the third display screen, and the track is played in response to the access.

13. The method of selecting a track as recited in claim **1** wherein receipt of the selection in the first display screen results in an automatic transition of the first display screen into the second display screen and receipt of the selection in the second display screen results in an automatic transition of the second display screen into the third display screen.

14. The method of selecting a track as recited in claim **1** wherein the category selected in the first display screen is from a top level of the hierarchy.

15. The method of selecting a track as recited in claim **1** wherein the category selected in the first display screen is a category from a level at least one level below the top level of the hierarchy.

16. The method of selecting a track as recited in claim **1** wherein the plurality of categories comprise a list of artist names, the plurality of subcategories comprise a list of album names and the plurality of items comprise a list of track names.

* * * * *

Exhibit 2

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

CERTAIN PORTABLE DIGITAL MEDIA PLAYERS, COMPONENTS THEREOF, AND PRODUCTS CONTAINING SAME

Investigation No. 337-TA-_____

COMPLAINT UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

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I. INTRODUCTION

1. This Complaint is filed by Creative Technology Ltd. and its wholly owned subsidiary Creative Labs, Inc. (collectively "Creative") under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation, by manufacturers, importers, or consignees of portable digital media players that use the claimed method that infringe claims 2, 3, 4, 5, 7, 11, 12, 13, 15 and 16 of United States Letters Patent No. 6,928,433 ("the '433 Patent" or "Asserted Patent").

2. The proposed Respondent is Apple Computer, Inc. ("Apple"). Upon information and belief, Apple manufactures, sells for importation, imports and/or sells after importation portable digital media players configured for use in ways that infringe the claimed methods.

3. A certified copy of the Asserted Patent is attached as Exhibit 1.

4. Creative Technology Ltd. owns all right, title, and interest in the Asserted Patent. A certified copy of the recorded assignments for the Asserted Patent is attached as Exhibit 2.[1]

5. An industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to the technology protected by the Asserted Patent.

6. Creative seeks as relief a permanent exclusion order barring from entry into the United States infringing portable digital media players, components thereof, and products containing same. Creative also seeks as relief a cease and desist order prohibiting importation, sale after importation, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, licensing, or use of infringing portable digital media players.

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II. COMPLAINANTS

7. Creative Technology Ltd. is a public company organized under the laws of Singapore, with its principal place of business located at 31 International Business Park, Creative Resource, Singapore 609921. Creative Technology Ltd. is listed on the NASDAQ Stock Exchange under the symbol CREAF. Creative Labs, Inc. is a wholly owned subsidiary of Creative Technology Ltd., and is incorporated under the laws of California. Creative Labs, Inc. has its primary location at 1901 McCarthy Boulevard in Milpitas, California where operations include sales, marketing, product development, testing and compliance. Creative Labs, Inc. also has facilities in Stillwater, Oklahoma which is Creative's customer support and product testing center in the United States; and in Fremont, California, which is an operations and distribution center. Creative's primary research and development in the United States is conducted at Creative Advanced Technology Center in Scotts Valley, California, under the corporate name of Silicon Engineering, Inc., d.b.a. Creative Advanced Technology Center, a wholly owned subsidiary of Creative Technology Ltd. Creative Advanced Technology Center also has a satellite office in Boulder, Colorado.

III. PROPOSED RESPONDENT

8. On information and belief, proposed respondent Apple is incorporated in California with a principal place of business located at 1 Infinite Loop, Cupertino, CA 95014. Exhibit 3. On information and belief, Apple has manufacturing sites in Europe, Japan, Canada and the Asia Pacific region. Exhibit 3.

---

[1] Creative has been informed by the PTO that a Certificate of Correction adding David Bristow as a co-inventor will issue shortly.

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IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

9. Creative was one of the first companies to invest in the research, development and commercialization of portable digital media players, commonly referred to as MP3 players. Creative's first digital media players used flash memory as the storage medium. One drawback of these players was that the storage capacity of flash memory was limited at that time to an hour or two of music. Creative envisioned the market potential for significantly higher capacity portable digital media players and began development of the NOMAD® Jukebox using a high capacity hard drive as the storage medium. The number of songs that could be stored on this portable digital media player was dramatically greater than the flash based players — up to 1000 songs. However, the large number of tracks/songs presented a significant and pressing challenge — how to conveniently organize and access the ever growing number of songs stored on these devices in view of their small display screens and limited controls.

10. Excited by the market potential and need for a user interface for organizing, navigating and accessing music on portable digital players, Creative seized the opportunity to invent a solution — a way to manage a large amount of music in a manner that allows end users to access songs in a logical and user-friendly manner through sequential steps displayed on the small screen of a player. After months of ongoing work and development, a team of Creative's engineers in Scotts Valley, California invented a user-friendly interface that simplified navigation on portable digital media players. This now-patented invention is directed to methods of accessing media tracks (e.g. music) stored on a portable digital media player by navigating through a hierarchical categorization such as artist, artist name and song title or genre, genre type and song title.

11. Eager to market and benefit from the invention, Creative announced its anticipated release of the NOMAD Jukebox and presented the first prototype devices at the

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Consumer Electronics Show (CES) in January, 2000. With a 6GB storage capacity, the Creative NOMAD Jukebox could store more than 100 hours of digital media and up to 1000 songs. More importantly, the NOMAD Jukebox used the revolutionary accessing methods claimed in the '433 Patent to provide users with a convenient interface for managing and accessing all those songs. The NOMAD Jukebox and the user interface encompassed by the '433 Patent set the standard for this new industry of portable digital players.

12. On January 16, 2001, Creative announced that it had already shipped 100,000 units of the NOMAD Jukebox portable digital media player. By 2006, Creative's portable digital media players featuring its patented user interface had won numerous prestigious awards worldwide, including: The "Best of CES" awards in 2004, 2005 and 2006 and the overall "Best in Show" award at CES in 2006; Best of Show awards in each of the first two, 2004 and 2005, DigitalLife consumer shows; Editor's Choice or other top editorial awards from PC Magazine, PC Gamer, Laptop, Maximum PC, PC World, Computer Shopper, CNET.com, Sound & Vision magazine and many others.

13. Creative's success and leadership in providing portable digital media players for Apple users did not go unnoticed. On January 9, 2001, Apple released an updated version of its Macintosh Computers and iTunes software that supported Creative's NOMAD Jukebox that practiced the '433 Patent. In order to integrate iTunes with Creative's products and to facilitate this interface, Creative and Apple executed a Driver Code License and Distribution Agreement, granting Apple a license to Creative's driver source code. In January 2001, Steve Jobs, the co-founder and CEO of Apple, approached a Creative employee, at the MacWorld tradeshow to extol the virtues of the NOMAD Jukebox. They then discussed a possible meeting between Creative and Apple. Mr. Jobs indicated that Apple wanted a smaller version of the NOMAD Jukebox digital music player.

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14. Shortly thereafter, on or about February 8, 2001, Creative met with Apple representatives, including Steve Jobs, to further explore ways in which the companies could work together. Creative showed Apple several prototype portable digital media players that showed the patented interface.

15. Despite initially leading Creative to believe that Apple and Creative could explore joint business opportunities, Apple abruptly indicated that there was not enough financial room in the portable digital media player market for two companies, with margins stacked one on top of the other, and therefore proposed that Creative license its technology to Apple. Apple further proposed that Creative spin off its portable digital media player business into a separate company and that Apple would then invest in that entity. Creative declined the offer.

16. Then on October 23, 2001, Apple announced the introduction of its first iPod. Apple, in its press release, stated that it "has applied its legendary expertise in human interface engineering to make iPod the easiest to use digital device ever." Apple further touted the iPod's capability to access a huge collection of music by selecting and clicking on playlists, artists or songs.

17. Apple and others acting on its behalf manufacture, sell for importation, import and sell after importation portable digital media players, such as the iPod and iPod Nano that infringe the Asserted Patent. Exhibit 4. As set forth in Apple's 2005 Form10-K [Annual Report] filed with the SEC, "final assembly of substantially all of the Company's portable products including.... iPods are performed by third-party vendors in China." Exhibit 3. On information and belief, in addition to operating www.apple.com and 1-800-My-Apple, Apple has 116 retail stores in the United States that offer for sale or sell infringing portable digital media players. In addition, on information and belief, Apple resellers offer for sale, sell for importation or sell after importation infringing portable digital media players. Exhibit 3.

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18. The Accused products include at least the iPod (MA002LL/A (30GB white), MA146LL/A (30GB black), MA003LL/A (60GB white), and MA147LL/A (60GB black)), the iPod Nano (MA350LL/A (1GB white), MA352LL/A (1GB black), MA004LL/A (2GB white), MA099LL/A (2GB black), MA005LL/A (4GB white), and MA107LL/A (4GB black)), as well as other portable digital media players sold by or under license from Apple. *See* www.apple.com\itunes\.

V. THE PATENT-IN-SUIT AND NON-TECHNICAL DESCRIPTION OF THE INVENTION

A. Overview and Ownership of the Asserted Patent

19. Creative Technology Ltd. owns by assignment the entire right, title, and interest in and to the Asserted Patent. Exhibit 2.

20. Pursuant to Commission Rule 210.12(c), this Complaint includes a certified copy and three copies thereof of the prosecution histories of the Asserted Patent. *See* Appendix A for the prosecution history of the '433 Patent. Pursuant to Commission Rule 210.12(c), this Complaint includes four copies of each reference mentioned in the Asserted Patent and/or its prosecution history. Appendix B.

B. The '433 Patent

1. Identification of the '433 Patent and Asserted Claims

21. United States Letters Patent No. 6,928,433 entitled "Automatic Hierarchical Categorization of Music by Metadata" issued on August 9, 2005. The '433 Patent expires on November 24, 2021 and is based on United States patent application No. 09/755,723 filed on January 5, 2001.

22. The '433 Patent has one (1) independent claim and fifteen (15) dependent claims.

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2. Non-Technical Description of '433 Patent.

23. The Asserted Patent claims various methods for accessing different types of data (such as music or video files) on devices such as a portable digital media player.

24. To permit ease of use, the claimed methods utilize data about each music file, referred to as metadata. Metadata can include information about the artist, album, song name, genre, etc. associated with each track. A hierarchical categorization is created that has at least three levels: category, subcategory and item. The songs are populated throughout the branches of the hierarchy using the tracks' associated metadata such that an individual song can be reached through different routes. Access is provided through a user-friendly interface that has three screens which are displayed sequentially.

25. By utilizing the metadata and combining a set of display screens, the claimed methods allow a user to navigate to individual songs and to play or add songs, or groups of songs, to playlists. Likewise, if the user desires to play a particular song or list of songs, the hierarchical categorizations can be used to locate and select the song or songs to be played.

C. Foreign Counterparts to the Asserted Patent

26. There are no foreign patents, foreign patent applications, or foreign patent applications that have been denied that correspond to the Asserted Patent.

D. Licenses

27. The Asserted Patent has not been licensed.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT

28. On information and belief, portable digital media players are sold for importation, imported, and sold after importation in the United States by or on behalf of Apple under at least the brand names iPod and iPod Nano. On information and belief, these products infringe claims 2, 3, 4, 5, 7, 11, 12, 13, 15 and 16 of the '433 Patent.

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29. A chart comparing representative claim 5 of the '433 Patent to Apple's iPod Nano is attached as Exhibit 4.

A. Direct Infringement

30. Apple directly infringes Creative's '433 Patent by practicing the claimed methods of the '433 Patent through activities such as use, testing, and product support of the accused products.

B. Contributory Infringement

31. Apple's activities with respect to the accused devices also contribute to the direct infringement of Creative's '433 Patent in violation of 35 U.S.C. § 271(c). Apple knows of the '433 Patent through actual notice provided by Creative.

32. The iPods and iPod Nanos sold by Apple are specifically configured to access and display music loaded by the user in ways that infringe the Asserted Patent. The iPods and iPod Nanos are not staple articles of commerce and Apple knows or should know that these players have no substantial non-infringing uses.

C. Inducement of Infringement

33. Apple also actively and knowingly aids and abets the direct infringement of Creative's '433 Patent by Apple's customers, constituting active inducement to infringe under 35 U.S.C. § 271(b).

34. Apple induces infringement of the method claims of the '433 Patent by actively inducing its customers in the United States to operate iPods and iPod Nanos in direct infringement of the asserted claims. For example, the operating manual that accompanies iPod and iPod Nano instructs and directs the purchaser on how to use the hierarchical categorization of music as claimed in the '433 Patent. *See, e.g.*, Exhibit 5 (*iPod User Manual*), Exhibit 6 (*iPod Nano User Manual*).

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35. Apple engages in these unlawful acts despite its actual knowledge of the '433 Patent.

VII. SPECIFIC INSTANCE OF UNFAIR IMPORTATION AND SALE

36. On information and belief, Apple imports, sells for importation into the United States, and/or sells within the United States after importation, portable digital media players that infringe the asserted claims of the '433 Patent. Exemplary products are the iPod products, including the iPod and iPod Nano.

37. As indicated above, Apple's most recent 10-K Report states that substantially all of its iPods are assembled in China. Exhibit 3. Similarly, Exhibit 7 shows the packaging of an iPod purchased in the United States from Apple through its www.apple.com web site. Exhibit 7 shows that the iPod was assembled in China. Included with the device is an instructional manual directing the user on use of the product. Exhibits 5 and 6. In addition, Apple directs the user to consult www.apple.com for additional information concerning use of the product. Exhibits 5 and 6.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

38. On information and belief, the infringing processors, processing systems, and products containing same have been imported into the United States under, at a minimum, section 8519 and its subsections of the United States Harmonized Tariff Schedule.

IX. RELATED LITIGATION

39. There is no related litigation involving the Asserted Patent at this time. Creative will be filing a concurrent district court action, however.

X. THE DOMESTIC INDUSTRY

40. A domestic industry exists as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and (C) comprised of investment in employment of land, labor, and capital devoted to the

exploitation of the patented technology through activities such as research and development, engineering, and support of products that practice the Asserted Patent.

A. United States Investments in Plant and Equipment, Labor and Capital

41. Creative has made substantial investments in the United States in plants, equipment, labor and capital, both directly and through its wholly owned subsidiaries, Creative Labs, Inc. and Creative Advanced Technology Center, in products that practice the claimed invention. Although the products themselves are made abroad, Creative's investments in the United States devoted to the patented technology include the following facilities that provide development and/or support for products that practice the patent: Creative Advanced Technology Center in Scotts Valley, California and Boulder, Colorado, and Creative Labs, Inc., with facilities in Milpitas and Fremont, California, and in Stillwater, Oklahoma. Creative Advanced Technology Center is a research and development center where the patented technology was invented and where Creative researches ways to improve products that practice the '433 Patent. The Stillwater facility provides customer support with other testing and refurbishing services for portable digital media players that practice the '433 Patent. The Milpitas location provides additional product development and testing, including regulatory compliance testing and compatibility testing. Finally, the Fremont facility provides product servicing and quality assurance for portable digital media players that practice the '433 Patent. These investments are itemized in Confidential Exhibit 8.

B. Representative Claim Chart for the Creative Zen Vision:M™ Portable MP3 player

42. Exhibit 9 is a list of Creative products that practice one or more of the asserted claims. Exhibit 10 is an exemplary claim chart showing how Creative's Zen Vision:M™ portable MP3 player practices at least claim 5 of the '433 Patent.

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XI. RELIEF REQUESTED

43. WHEREFORE, by reason of the foregoing, Complainants Creative Technology Ltd. and Creative Labs, Inc. respectfully request that the United States International Trade Commission:

(a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 based upon the importation, sale for importation, and sale after importation, into the United States of all Apple products or products made on behalf of Apple that infringe one or more of the asserted claims of Creative's United States Letters Patent No. 6,928,433;

(b) Schedule and conduct a hearing on said unlawful acts and, following said hearing;

(c) Issue a permanent exclusion order pursuant to 19 U.S.C. § 1337(d)(1) barring from entry into the United States all products made by or on behalf of Apple, that infringe one or more asserted claims of Creative's United States Letters Patent No. 6,928,433;

(d) Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), directing Apple and others acting on its behalf, to cease and desist from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, licensing, or using portable digital media players that infringe one or more asserted claims of Creative's United States Letters Patent No. 6,928,433; and

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(e) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

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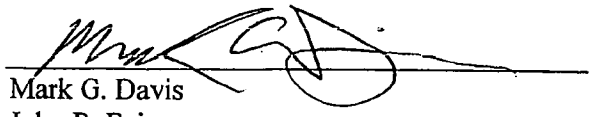
Date: May 15, 2006

Respectfully Submitted,



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VERIFICATION OF COMPLAINT

I, Craig McHugh, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am currently the President of Creative Labs, Inc., and am duly authorized to sign this Complaint;

2. I have read the foregoing Complaint;

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well founded in fact and is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

4. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

5. The foregoing Complaint is not being filed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Executed this 12th day of May 2006.

Craig McHugh
President

TABLE OF EXHIBITS

Exhibit 1:	Public	Certified copy of United States Patent No. 6,928,433
Exhibit 2:	Public	Certified copy of the recorded assignments for the '433 patent . Reel: 011788 / Frame: 0174 (assignment of Ron Goodman and Howard Egan) . Reel: 015640 / Frame: 0748 (assignment of David Bristow)
Exhibit 3:	Public	Selected Pages From Apple Computer, Inc.'s 2005 Form 10-K
Exhibit 4:	Public	Representative claim chart comparing claim 5 to Apple's iPod
Exhibit 5:	Public	iPod User's Manual
Exhibit 6:	Public	iPod Nano User's Manual
Exhibit 7:	Public	Photographs of iPod and iPod Nano packaging
Exhibit 8:	Confidential	Itemized investments by Creative in the United States
Exhibit 9:	Public	Creative products that practice one or more of the asserted claims
Exhibit 10:	Public	Exemplary claim chart comparing claim 5 to Creative's Zen Vision:M® portable MP3 player
Exhibit 11:	Public	http://www.apple.com/support/ipod101/anatomy/1/
Exhibit 12	Public	http://www.apple.com/support/ipod101/anatomy/2/
Exhibit 13:	Public	http://www.apple.com/support/ipod/tutorial/ip_gettingstarted_t1.html
Exhibit 14:	Public	http://download.info.apple.com/Apple_Support_Area/Manuals/hardware/0342141iPodUserGuideMac.PDF
Exhibit 15:	Public	http://www.apple.com/support/ipod/tutorial/ip_gettingstarted_t4.html
Exhibit 16:	Public	http://www.apple.com/support/ipod/tutorial/ip_gettingstarted_t5.html

Exhibit 17:	Public	http://manuals.info.apple.com/en/iPod_User_Guide_(color_display).pdf

APPENDICES AND PHYSICAL SAMPLES

App. A	Public	Certified Copy of the prosecution history for U.S. Patent No. 6,928,433.
App. B	Public	Four copies of each reference mentioned in the '433 patent.
App. C	Public / Physical	Creative's Zen Vision:M® portable MP3 player (in box with packaging)
App. D	Public / Physical	Apple iPod (in box with packaging)
App. E	Public / Physical	Apple iPod Nano (in box with packaging)

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Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

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Attorneys for Defendant
APPLE COMPUTER, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CREATIVE TECHNOLOGY LTD.,
a Singapore Corporation,

Plaintiff,

v.

APPLE COMPUTER, INC.,
a California Corporation,

Defendant.

Case No. C06-03218 BZ

APPLE COMPUTER, INC.'S ANSWER TO CREATIVE TECHNOLOGY LTD.'S COMPLAINT

DEMAND FOR JURY TRIAL

CERTIFICATION OF INTERESTED ENTITIES OR PERSONS AND DISCLOSURE STATEMENT

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Defendant Apple Computer, Inc. ("Apple"), by and through its undersigned counsel, answers the Complaint of Creative Technology Ltd. ("Creative") as follows:

THE PARTIES

1. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and, on that basis, denies the allegations.

2. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 and, on that basis, denies the allegations.

3. Apple admits the allegations of paragraph 3.

4. Apple admits that it makes, sells, offers for sale in the United States, or imports into the United States, media players. Apple denies the remaining allegations of paragraph 4.

JURISDICTION AND VENUE

5. Apple admits that this action purports to be an action for patent infringement arising under the patent laws of the United States. Apple denies that there is any basis in law or fact for Creative's action for patent infringement. Apple admits that this Court has subject matter jurisdiction over this matter.

6. Apple admits that venue is proper in this judicial district, but denies that there is any basis in law or fact for Creative's action for patent infringement.

7. Apple admits that it has sold devices in this judicial district that Creative accuses of infringement, but denies that there is any basis in law or fact for Creative's action for patent infringement.

INTRADISTRICT ASSIGNMENT

8. Apple admits that this is an intellectual property action and, thus, that it belongs to the excepted categories under Civil Local Rule 3-2(c).

THE PATENT

9. Apple admits that on its face, U.S. Patent No. 6,928,433 (the "'433 patent") indicates that it was issued by the United States Patent and Trademark Office on August 9, 2005, and that it has the title "Automatic Hierarchical Categorization of Music by Metadata." Apple denies that the '433 patent was duly and legally issued. Apple admits that Exhibit 1 appears to be a copy of the

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'433 patent, but lacks sufficient information to form a belief as to whether the copy is true and correct and, on that basis, denies the allegations. Apple denies any remaining allegations of paragraph 9.

FIRST CAUSE OF ACTION

10. Apple hereby repeats and realleges its responses to each and every allegation set forth in paragraphs 1 through 9.

11. Apple denies the allegations of paragraph 11.

12. Apple denies the allegations of paragraph 12.

13. Apple denies the allegations of paragraph 13.

14. Apple denies the allegations of paragraph 14.

15. Apple denies the allegations of paragraph 15.

RELATED ACTION

16. Apple admits that Creative filed a Complaint against Apple before the U.S. International Trade Commission relating to the importation and/or sale of portable media players. In accordance with 28 U.S.C. § 1659, Apple intends to request a stay of this action if and when an investigation is instituted, as provided by the statute. Apple admits that Exhibit 2 appears to be a copy of the public version of the Complaint, but lacks sufficient information to form a belief as to whether the copy is true and correct and, on that basis, denies the allegations. Apple denies all other allegations in paragraph 16.

PRAYER FOR RELIEF

The remainder of Creative's complaint comprises the prayer for relief and demand for jury trial to which no response is required. To the extent any response is required, Apple denies that it has infringed any valid and enforceable claim of the '433 patent and denies that Creative is entitled to any relief whatsoever against Apple, either as requested or otherwise. Apple further denies each and every allegation related to Apple contained in the Complaint to which Apple has not specifically responded.

AFFIRMATIVE DEFENSES

Apple alleges and asserts the following defenses in response to the allegations, undertaking

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the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. In addition to the affirmative defenses described below, Apple specifically reserves all rights to allege additional affirmative defenses that become known through the course of discovery.

First Affirmative Defense

The complaint fails to state a claim for which relief can be granted.

Second Affirmative Defense

The '433 patent is invalid because it fails to comply with one or more of the requirements of 35 U.S.C. § 101 *et seq.*, including, without limitation, sections 102, 103 and 112.

Third Affirmative Defense

Creative has dedicated to the public any methods, apparatuses, and products disclosed in the patents in suit, but not literally claimed therein, and are estopped from claiming infringement by any such public domain methods, apparatuses, or products.

Fourth Affirmative Defense

Any and all Apple technologies or actions accused of infringement have substantial uses that do not infringe and therefore cannot induce or contribute to the infringement of the asserted claims of the patents in suit.

Fifth Affirmative Defense

Apple does not and has not infringed (either directly, contributorily, or by inducement), any valid claim of the '433 patent.

Sixth Affirmative Defense

Creative's claims of infringement are barred by prosecution history estoppel.

Seventh Affirmative Defense

On information and belief, Creative's alleged damages are limited because it has not satisfied the requirements for obtaining damages under 35 U.S.C. § 287 from the date the patents issued.

Eighth Affirmative Defense

Creative is barred by laches, including prosecution laches, from enforcing the '433 patent against Apple.

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Ninth Affirmative Defense

Creative cannot satisfy the requirements applicable to its request for injunctive relief and has an adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Apple prays for judgment as follows:

A. That Creative's Complaint be dismissed with prejudice;

B. That Creative take nothing by reason of its Complaint;

C. That no injunctive relief issue to Creative;

D. That the claims of the '433 patent be adjudged not infringed, directly or indirectly, by Apple;

E. That the claims of the '433 patent be adjudged invalid and/or unenforceable;

F. That Apple be awarded its costs and expenses;

G. That this be adjudged an exceptional case and that Apple be awarded its attorneys' fees in this action pursuant to 35 U.S.C. § 285; and

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H. That Apple be awarded such other and further relief as the Court may deem appropriate.

Dated: May 17, 2006

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SONY Exhibit 1004 - Page 4009

DEMAND FOR JURY TRIAL

Under Rule 38(b) of the Federal Rules of Civil Procedure, Defendant Apple hereby demands a trial by jury on all issues triable by jury.

Dated: May 17, 2006

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CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report. Pursuant to Federal Rule of Civil Procedure 7.1(a), the undersigned further states that there is no such entity as described in that rule.

Dated: May 17, 2006

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Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

Attorneys for Defendant
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Attorneys for Plaintiff
CREATIVE TECHNOLOGY LTD.

are listed on the signature page

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CREATIVE TECHNOLOGY LTD.,
a Singapore Corporation,

Plaintiff,

v.

APPLE COMPUTER, INC.,
a California Corporation,

Defendant.

Case No. C06-03218 SBA

STIPULATED DISMISSAL

Plaintiff Creative Technology Ltd. and Defendant Apple Computer, Inc., pursuant to F. R. Civ. P. 41(a)(1)(ii), hereby stipulate to the dismissal, with prejudice, of all claims asserted by either party in the above captioned action. Each party shall bear its own costs, expenses and attorneys' fees.

SONY Exhibit 1004 - Page 4013

Dated: August 29, 2006

KIRKLAND & ELLIS LLP

BY: /s/ Zachariah A. Higgins

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Attorneys for Defendant APPLE COMPUTER, INC.

Dated: August 29, 2006

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MPK 114100-1.065985.0016

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F1

Reference cited in Substitute PTO Form 1449
Attorney Docket No. 380786-108980
Reexam Control No. 95/001,274

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CBI 06-315

May 15, 2006

DOCKET NUMBER
DN-2484
Office of the Secretary
Int'l Trade Commission

2006 MAY 15 AM 8:58
OFC OF THE SECRETARY
US INTL TRADE COMM

VIA MESSENGER

The Honorable Marilyn Abbott
Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

Re: ***Certain Portable Digital Media Players, Components Thereof, and Products Containing Same***

Dear Secretary Abbott:

Enclosed for filing on behalf of Complainants Creative Labs, Inc. and Creative Technology Ltd. (collectively "Complainants") are the following documents in support of Complainants' request that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended. A separate request for confidential treatment of Confidential Exhibit 8 is included with this filing.

Accordingly, Complainants submit the following documents for filing:

1. An original and twelve (12) copies of the verified Complaint and an original and six (6) copies of the accompanying exhibits, with Confidential Exhibit 8 segregated from the other material submitted (original and (1) copy unbound, without tabs). (Rules 201.6(c), 210.4(f)(3)(i), and 210.8(a));

2. One (1) additional copy of both the Complaint and accompanying non-confidential exhibits for service upon the proposed respondent (Rules 210.4(f)(3)(i), 210.8(a) and 210.11(a));

3. One (1) additional copy of the Confidential Exhibit 8 for service upon the proposed respondent;

4. Certified copies of United States Patent No. 6,928,433 ("the '433 patent"), included as Exhibit 1 in the original Complaint, and copies thereof included as Exhibit 1 in all copies of the Complaint;

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5. Certified copies of the assignments involving the '433 patent included as Exhibit 2 in the original Complaint, and copies thereof included as Exhibits 2 in all copies of the Complaint;

6. Certified copy and three (3) copies thereof of the prosecution history of the '433 patent included as Appendix A (Rule 210.12(c)(2));

7. Four (4) copies of each reference document mentioned in the prosecution history of the application leading to the issuance of the '433 patent included as Appendix B;

8. One (1) Creative's Zen Vision: M™ portable MP3 player (in box with original packaging) as Appendix C;

9. One (1) Apple iPod (in box with original packaging) as Appendix D;

10. One (1) Apple iPod Nano (in box with original packaging) as Appendix E; and

11. A notarized letter and certification pursuant to Commission Rules 201.6(b) and 210.5(d) requesting confidential treatment of Confidential Exhibit 8.

Thank you for your attention to this matter.

Respectfully submitted,

Mark G. Davis

MGD/ta

Enclosures
WDC99 1229636-1.065985.0014

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of CERTAIN PORTABLE DIGITAL MEDIA PLAYERS, COMPONENTS THEREOF, AND PRODUCTS CONTAINING SAME	Investigation No. 337-TA-_____

COMPLAINT UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

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I. INTRODUCTION

1. This Complaint is filed by Creative Technology Ltd. and its wholly owned subsidiary Creative Labs, Inc. (collectively "Creative") under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation, by manufacturers, importers, or consignees of portable digital media players that use the claimed method that infringe claims 2, 3, 4, 5, 7, 11, 12, 13, 15 and 16 of United States Letters Patent No. 6,928,433 ("the '433 Patent" or "Asserted Patent").

2. The proposed Respondent is Apple Computer, Inc. ("Apple"). Upon information and belief, Apple manufactures, sells for importation, imports and/or sells after importation portable digital media players configured for use in ways that infringe the claimed methods.

3. A certified copy of the Asserted Patent is attached as Exhibit 1.

4. Creative Technology Ltd. owns all right, title, and interest in the Asserted Patent. A certified copy of the recorded assignments for the Asserted Patent is attached as Exhibit 2.[1]

5. An industry as required by 19 U.S.C. § 1337(a)(2) and (3) exists in the United States relating to the technology protected by the Asserted Patent.

6. Creative seeks as relief a permanent exclusion order barring from entry into the United States infringing portable digital media players, components thereof, and products containing same. Creative also seeks as relief a cease and desist order prohibiting importation, sale after importation, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, licensing, or use of infringing portable digital media players.

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II. COMPLAINANTS

7. Creative Technology Ltd. is a public company organized under the laws of Singapore, with its principal place of business located at 31 International Business Park, Creative Resource, Singapore 609921. Creative Technology Ltd. is listed on the NASDAQ Stock Exchange under the symbol CREAF. Creative Labs, Inc. is a wholly owned subsidiary of Creative Technology Ltd., and is incorporated under the laws of California. Creative Labs, Inc. has its primary location at 1901 McCarthy Boulevard in Milpitas, California where operations include sales, marketing, product development, testing and compliance. Creative Labs, Inc. also has facilities in Stillwater, Oklahoma which is Creative's customer support and product testing center in the United States; and in Fremont, California, which is an operations and distribution center. Creative's primary research and development in the United States is conducted at Creative Advanced Technology Center in Scotts Valley, California, under the corporate name of Silicon Engineering, Inc., d.b.a. Creative Advanced Technology Center, a wholly owned subsidiary of Creative Technology Ltd. Creative Advanced Technology Center also has a satellite office in Boulder, Colorado.

III. PROPOSED RESPONDENT

8. On information and belief, proposed respondent Apple is incorporated in California with a principal place of business located at 1 Infinite Loop, Cupertino, CA 95014. Exhibit 3. On information and belief, Apple has manufacturing sites in Europe, Japan, Canada and the Asia Pacific region. Exhibit 3.

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[1] Creative has been informed by the PTO that a Certificate of Correction adding David Bristow as a co-inventor will issue shortly.

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IV. THE TECHNOLOGY AND PRODUCTS AT ISSUE

9. Creative was one of the first companies to invest in the research, development and commercialization of portable digital media players, commonly referred to as MP3 players. Creative's first digital media players used flash memory as the storage medium. One drawback of these players was that the storage capacity of flash memory was limited at that time to an hour or two of music. Creative envisioned the market potential for significantly higher capacity portable digital media players and began development of the NOMAD® Jukebox using a high capacity hard drive as the storage medium. The number of songs that could be stored on this portable digital media player was dramatically greater than the flash based players — up to 1000 songs. However, the large number of tracks/songs presented a significant and pressing challenge — how to conveniently organize and access the ever growing number of songs stored on these devices in view of their small display screens and limited controls.

10. Excited by the market potential and need for a user interface for organizing, navigating and accessing music on portable digital players, Creative seized the opportunity to invent a solution — a way to manage a large amount of music in a manner that allows end users to access songs in a logical and user-friendly manner through sequential steps displayed on the small screen of a player. After months of ongoing work and development, a team of Creative's engineers in Scotts Valley, California invented a user-friendly interface that simplified navigation on portable digital media players. This now-patented invention is directed to methods of accessing media tracks (e.g. music) stored on a portable digital media player by navigating through a hierarchical categorization such as artist, artist name and song title or genre, genre type and song title.

11. Eager to market and benefit from the invention, Creative announced its anticipated release of the NOMAD Jukebox and presented the first prototype devices at the

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Consumer Electronics Show (CES) in January, 2000. With a 6GB storage capacity, the Creative NOMAD Jukebox could store more than 100 hours of digital media and up to 1000 songs. More importantly, the NOMAD Jukebox used the revolutionary accessing methods claimed in the '433 Patent to provide users with a convenient interface for managing and accessing all those songs. The NOMAD Jukebox and the user interface encompassed by the '433 Patent set the standard for this new industry of portable digital players.

12. On January 16, 2001, Creative announced that it had already shipped 100,000 units of the NOMAD Jukebox portable digital media player. By 2006, Creative's portable digital media players featuring its patented user interface had won numerous prestigious awards worldwide, including: The "Best of CES" awards in 2004, 2005 and 2006 and the overall "Best in Show" award at CES in 2006; Best of Show awards in each of the first two, 2004 and 2005, DigitalLife consumer shows; Editor's Choice or other top editorial awards from PC Magazine, PC Gamer, Laptop, Maximum PC, PC World, Computer Shopper, CNET.com, Sound & Vision magazine and many others.

13. Creative's success and leadership in providing portable digital media players for Apple users did not go unnoticed. On January 9, 2001, Apple released an updated version of its Macintosh Computers and iTunes software that supported Creative's NOMAD Jukebox that practiced the '433 Patent. In order to integrate iTunes with Creative's products and to facilitate this interface, Creative and Apple executed a Driver Code License and Distribution Agreement, granting Apple a license to Creative's driver source code. In January 2001, Steve Jobs, the co-founder and CEO of Apple, approached a Creative employee, at the MacWorld tradeshow to extol the virtues of the NOMAD Jukebox. They then discussed a possible meeting between Creative and Apple. Mr. Jobs indicated that Apple wanted a smaller version of the NOMAD Jukebox digital music player.

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14. Shortly thereafter, on or about February 8, 2001, Creative met with Apple representatives, including Steve Jobs, to further explore ways in which the companies could work together. Creative showed Apple several prototype portable digital media players that showed the patented interface.

15. Despite initially leading Creative to believe that Apple and Creative could explore joint business opportunities, Apple abruptly indicated that there was not enough financial room in the portable digital media player market for two companies, with margins stacked one on top of the other, and therefore proposed that Creative license its technology to Apple. Apple further proposed that Creative spin off its portable digital media player business into a separate company and that Apple would then invest in that entity. Creative declined the offer.

16. Then on October 23, 2001, Apple announced the introduction of its first iPod. Apple, in its press release, stated that it "has applied its legendary expertise in human interface engineering to make iPod the easiest to use digital device ever." Apple further touted the iPod's capability to access a huge collection of music by selecting and clicking on playlists, artists or songs.

17. Apple and others acting on its behalf manufacture, sell for importation, import and sell after importation portable digital media players, such as the iPod and iPod Nano that infringe the Asserted Patent. Exhibit 4. As set forth in Apple's 2005 Form10-K [Annual Report] filed with the SEC, "final assembly of substantially all of the Company's portable products including ... iPods are performed by third-party vendors in China." Exhibit 3. On information and belief, in addition to operating www.apple.com and 1-800-My-Apple, Apple has 116 retail stores in the United States that offer for sale or sell infringing portable digital media players. In addition, on information and belief, Apple resellers offer for sale, sell for importation or sell after importation infringing portable digital media players. Exhibit 3.

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18. The Accused products include at least the iPod (MA002LL/A (30GB white), MA146LL/A (30GB black), MA003LL/A (60GB white), and MA147LL/A (60GB black)), the iPod Nano (MA350LL/A (1GB white), MA352LL/A (1GB black), MA004LL/A (2GB white), MA099LL/A (2GB black), MA005LL/A (4GB white), and MA107LL/A (4GB black)), as well as other portable digital media players sold by or under license from Apple. *See* www.apple.com\itunes\.

V. THE PATENT-IN-SUIT AND NON-TECHNICAL DESCRIPTION OF THE INVENTION

A. Overview and Ownership of the Asserted Patent

19. Creative Technology Ltd. owns by assignment the entire right, title, and interest in and to the Asserted Patent. Exhibit 2.

20. Pursuant to Commission Rule 210.12(c), this Complaint includes a certified copy and three copies thereof of the prosecution histories of the Asserted Patent. *See* Appendix A for the prosecution history of the '433 Patent. Pursuant to Commission Rule 210.12(c), this Complaint includes four copies of each reference mentioned in the Asserted Patent and/or its prosecution history. Appendix B.

B. The '433 Patent

1. Identification of the '433 Patent and Asserted Claims

21. United States Letters Patent No. 6,928,433 entitled "Automatic Hierarchical Categorization of Music by Metadata" issued on August 9, 2005. The '433 Patent expires on November 24, 2021 and is based on United States patent application No. 09/755,723 filed on January 5, 2001.

22. The '433 Patent has one (1) independent claim and fifteen (15) dependent claims.

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2. Non-Technical Description of '433 Patent.

23. The Asserted Patent claims various methods for accessing different types of data (such as music or video files) on devices such as a portable digital media player.

24. To permit ease of use, the claimed methods utilize data about each music file, referred to as metadata. Metadata can include information about the artist, album, song name, genre, etc. associated with each track. A hierarchical categorization is created that has at least three levels: category, subcategory and item. The songs are populated throughout the branches of the hierarchy using the tracks' associated metadata such that an individual song can be reached through different routes. Access is provided through a user-friendly interface that has three screens which are displayed sequentially.

25. By utilizing the metadata and combining a set of display screens, the claimed methods allow a user to navigate to individual songs and to play or add songs, or groups of songs, to playlists. Likewise, if the user desires to play a particular song or list of songs, the hierarchical categorizations can be used to locate and select the song or songs to be played.

C. Foreign Counterparts to the Asserted Patent

26. There are no foreign patents, foreign patent applications, or foreign patent applications that have been denied that correspond to the Asserted Patent.

D. Licenses

27. The Asserted Patent has not been licensed.

VI. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT

28. On information and belief, portable digital media players are sold for importation, imported, and sold after importation in the United States by or on behalf of Apple under at least the brand names iPod and iPod Nano. On information and belief, these products infringe claims 2, 3, 4, 5, 7, 11, 12, 13, 15 and 16 of the '433 Patent.

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29. A chart comparing representative claim 5 of the '433 Patent to Apple's iPod Nano is attached as Exhibit 4.

A. Direct Infringement

30. Apple directly infringes Creative's '433 Patent by practicing the claimed methods of the '433 Patent through activities such as use, testing, and product support of the accused products.

B. Contributory Infringement

31. Apple's activities with respect to the accused devices also contribute to the direct infringement of Creative's '433 Patent in violation of 35 U.S.C. § 271(c). Apple knows of the '433 Patent through actual notice provided by Creative.

32. The iPods and iPod Nanos sold by Apple are specifically configured to access and display music loaded by the user in ways that infringe the Asserted Patent. The iPods and iPod Nanos are not staple articles of commerce and Apple knows or should know that these players have no substantial non-infringing uses.

C. Inducement of Infringement

33. Apple also actively and knowingly aids and abets the direct infringement of Creative's '433 Patent by Apple's customers, constituting active inducement to infringe under 35 U.S.C. § 271(b).

34. Apple induces infringement of the method claims of the '433 Patent by actively inducing its customers in the United States to operate iPods and iPod Nanos in direct infringement of the asserted claims. For example, the operating manual that accompanies iPod and iPod Nano instructs and directs the purchaser on how to use the hierarchical categorization of music as claimed in the '433 Patent. *See, e.g.,* Exhibit 5 (*iPod User Manual*), Exhibit 6 (*iPod Nano User Manual*).

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35. Apple engages in these unlawful acts despite its actual knowledge of the '433 Patent.

VII. SPECIFIC INSTANCE OF UNFAIR IMPORTATION AND SALE

36. On information and belief, Apple imports, sells for importation into the United States, and/or sells within the United States after importation, portable digital media players that infringe the asserted claims of the '433 Patent. Exemplary products are the iPod products, including the iPod and iPod Nano.

37. As indicated above, Apple's most recent 10-K Report states that substantially all of its iPods are assembled in China. Exhibit 3. Similarly, Exhibit 7 shows the packaging of an iPod purchased in the United States from Apple through its www.apple.com web site. Exhibit 7 shows that the iPod was assembled in China. Included with the device is an instructional manual directing the user on use of the product. Exhibits 5 and 6. In addition, Apple directs the user to consult www.apple.com for additional information concerning use of the product. Exhibits 5 and 6.

VIII. HARMONIZED TARIFF SCHEDULE ITEM NUMBERS

38. On information and belief, the infringing processors, processing systems, and products containing same have been imported into the United States under, at a minimum, section 8519 and its subsections of the United States Harmonized Tariff Schedule.

IX. RELATED LITIGATION

39. There is no related litigation involving the Asserted Patent at this time. Creative will be filing a concurrent district court action, however.

X. THE DOMESTIC INDUSTRY

40. A domestic industry exists as defined under 19 U.S.C. § 1337(a)(3)(A), (B), and (C) comprised of investment in employment of land, labor, and capital devoted to the

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exploitation of the patented technology through activities such as research and development, engineering, and support of products that practice the Asserted Patent.

A. United States Investments in Plant and Equipment, Labor and Capital

41. Creative has made substantial investments in the United States in plants, equipment, labor and capital, both directly and through its wholly owned subsidiaries, Creative Labs, Inc. and Creative Advanced Technology Center, in products that practice the claimed invention. Although the products themselves are made abroad, Creative's investments in the United States devoted to the patented technology include the following facilities that provide development and/or support for products that practice the patent: Creative Advanced Technology Center in Scotts Valley, California and Boulder, Colorado, and Creative Labs, Inc., with facilities in Milpitas and Fremont, California, and in Stillwater, Oklahoma. Creative Advanced Technology Center is a research and development center where the patented technology was invented and where Creative researches ways to improve products that practice the '433 Patent. The Stillwater facility provides customer support with other testing and refurbishing services for portable digital media players that practice the '433 Patent. The Milpitas location provides additional product development and testing, including regulatory compliance testing and compatibility testing. Finally, the Fremont facility provides product servicing and quality assurance for portable digital media players that practice the '433 Patent. These investments are itemized in Confidential Exhibit 8.

B. Representative Claim Chart for the Creative Zen Vision:M™ Portable MP3 player

42. Exhibit 9 is a list of Creative products that practice one or more of the asserted claims. Exhibit 10 is an exemplary claim chart showing how Creative's Zen Vision:M™ portable MP3 player practices at least claim 5 of the '433 Patent.

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XI. RELIEF REQUESTED

43. WHEREFORE, by reason of the foregoing, Complainants Creative Technology Ltd. and Creative Labs, Inc. respectfully request that the United States International Trade Commission:

(a) Institute an immediate investigation, pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(a)(1)(B)(i) and (b)(1), with respect to violations of Section 337 based upon the importation, sale for importation, and sale after importation, into the United States of all Apple products or products made on behalf of Apple that infringe one or more of the asserted claims of Creative's United States Letters Patent No. 6,928,433;

(b) Schedule and conduct a hearing on said unlawful acts and, following said hearing;

(c) Issue a permanent exclusion order pursuant to 19 U.S.C. § 1337(d)(1) barring from entry into the United States all products made by or on behalf of Apple, that infringe one or more asserted claims of Creative's United States Letters Patent No. 6,928,433;

(d) Issue permanent cease and desist orders, pursuant to 19 U.S.C. § 1337(f), directing Apple and others acting on its behalf, to cease and desist from importing, marketing, advertising, demonstrating, warehousing inventory for distribution, offering for sale, selling, distributing, licensing, or using portable digital media players that infringe one or more asserted claims of Creative's United States Letters Patent No. 6,928,433; and

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(e) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

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Date: May 15, 2006

Respectfully Submitted,

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Counsel for Complainants
Creative Technology Ltd. and
Creative Labs, Inc.

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VERIFICATION OF COMPLAINT

I, Craig McHugh, declare, in accordance with 19 C.F.R. §§ 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. I am currently the President of Creative Labs, Inc., and am duly authorized to sign this Complaint;

2. I have read the foregoing Complaint;

3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well founded in fact and is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

4. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

5. The foregoing Complaint is not being filed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Executed this 12th day of May 2006.

Craig McHugh
President

WDC99 1231665-1.065985.0014

TABLE OF EXHIBITS

Exhibit 1:	Public	Certified copy of United States Patent No. 6,928,433
Exhibit 2:	Public	Certified copy of the recorded assignments for the '433 patent . Reel: 011788 / Frame: 0174 (assignment of Ron Goodman and Howard Egan) . Reel: 015640 / Frame: 0748 (assignment of David Bristow)
Exhibit 3:	Public	Selected Pages From Apple Computer, Inc.'s 2005 Form 10-K
Exhibit 4:	Public	Representative claim chart comparing claim 5 to Apple's iPod
Exhibit 5:	Public	iPod User's Manual
Exhibit 6:	Public	iPod Nano User's Manual
Exhibit 7:	Public	Photographs of iPod and iPod Nano packaging
Exhibit 8:	Confidential	Itemized investments by Creative in the United States
Exhibit 9:	Public	Creative products that practice one or more of the asserted claims
Exhibit 10:	Public	Exemplary claim chart comparing claim 5 to Creative's Zen Vision:M® portable MP3 player
Exhibit 11:	Public	http://www.apple.com/support/ipod101/anatomy/1/
Exhibit 12	Public	http://www.apple.com/support/ipod101/anatomy/2/
Exhibit 13:	Public	http://www.apple.com/support/ipod/tutorial/ip_gettingstarted_t1.html
Exhibit 14:	Public	http://download.info.apple.com/Apple_Support_Area/Manuals/hardware/0342141iPodUserGuideMac.PDF
Exhibit 15:	Public	http://www.apple.com/support/ipod/tutorial/ip_gettingstarted_t4.html
Exhibit 16:	Public	http://www.apple.com/support/ipod/tutorial/ip_gettingstarted_t5.html

Exhibit 17:	Public	http://manuals.info.apple.com/en/iPod_User_Guide_(color_display).pdf

APPENDICES AND PHYSICAL SAMPLES

App. A	Public	Certified Copy of the prosecution history for U.S. Patent No. 6,928,433.
App. B	Public	Four copies of each reference mentioned in the '433 patent.
App. C	Public / Physical	Creative's Zen Vision:M® portable MP3 player (in box with packaging)
App. D	Public / Physical	Apple iPod (in box with packaging)
App. E	Public / Physical	Apple iPod Nano (in box with packaging)

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EXHIBIT 1

U 796650

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 25, 2006

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF:

U.S. PATENT: *6,928,433*
ISSUE DATE: *August 09, 2005*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. K. CARTER
Certifying Officer

CL 000001

US006928433B2

(12) **United States Patent**
Goodman et al.

(10) **Patent No.: US 6,928,433 B2**
(45) **Date of Patent: Aug. 9, 2005**

(54) **AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA**

(75) Inventors: **Ron Goodman**, Santa Cruz, CA (US); **Howard N. Egan**, Capitola, CA (US)

(73) Assignee: **Creative Technology LTD**, Singapore (SG)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 323 days.

(21) Appl. No.: **09/755,723**

(22) Filed: **Jan. 5, 2001**

(65) **Prior Publication Data**

US 2002/0147728 A1 Oct. 10, 2002

(51) **Int. Cl.**[7] **G06F 17/30**
(52) **U.S. Cl.** **707/4**; 707/3; 707/102; 386/46
(58) **Field of Search** 84/609, 601, 602, 84/611–614; 707/104.1, 3, 4, 102; 386/46

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Web page on "Can you carry your CD collection in your pocket? Yes, you can." Compaq web site, 3 pages, http://research.compaq.com/SRC/pjb/, Printed on Apr. 30, 2004.

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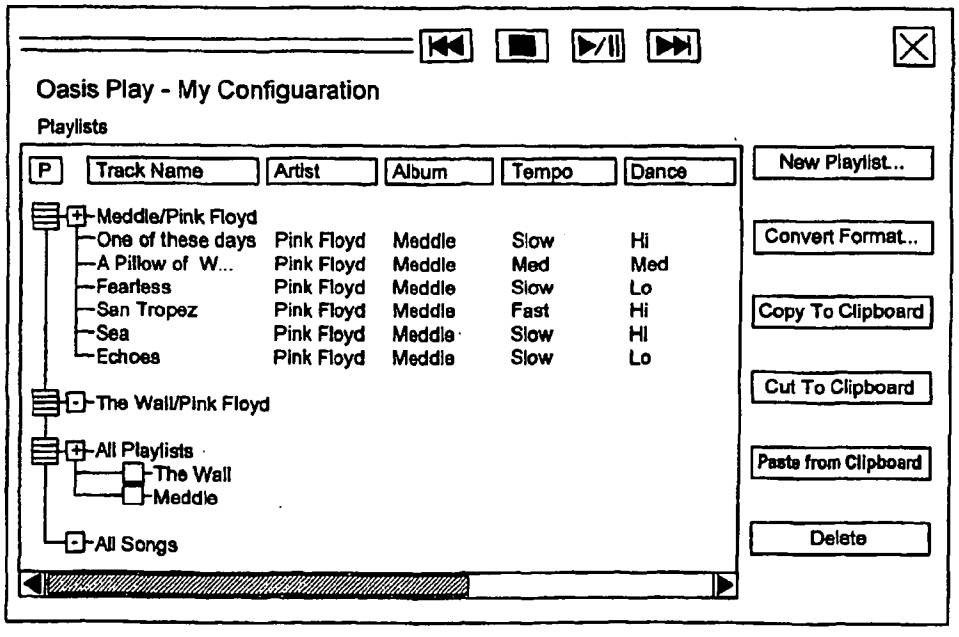
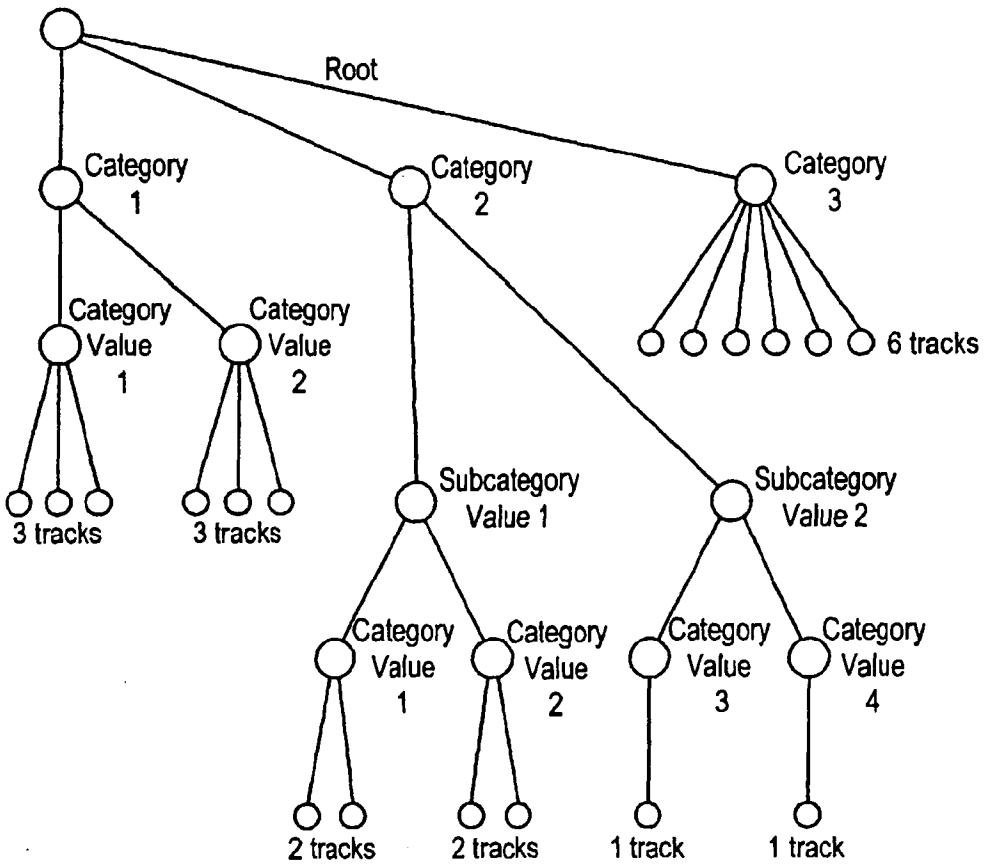
(57) **ABSTRACT**

A method, performed by software executing on the processor of a portable music playback device, that automatically files tracks according to hierarchical structure of categories to organize tracks in a logical order. A user interface is utilized to change the hierarchy, view track names, and select tracks for playback or other operations.

16 Claims, 12 Drawing Sheets



CL 000002



For example:

Category 1 = Album Name

Category Value 1 = Abbey Road

Category Value 2 = Hits from the 60's

Category 2 = Artist Name

Subcategory Value 1 = British Artists

Subcategory Value 2 = American Artists

Category Value 1 = The Beatles

Category Value 2 = Petula Clark

Category Value 3 = Mamas and the Papas

Category Value 4 = Nick Drake

Category 3 = All tracks

FIG. 1.

CL 000003

```
V1.0
Albums|0x01|BLBN
Artists|0x01|BCBMBN
All Tracks|0x01|BN
```

FIG. 2.

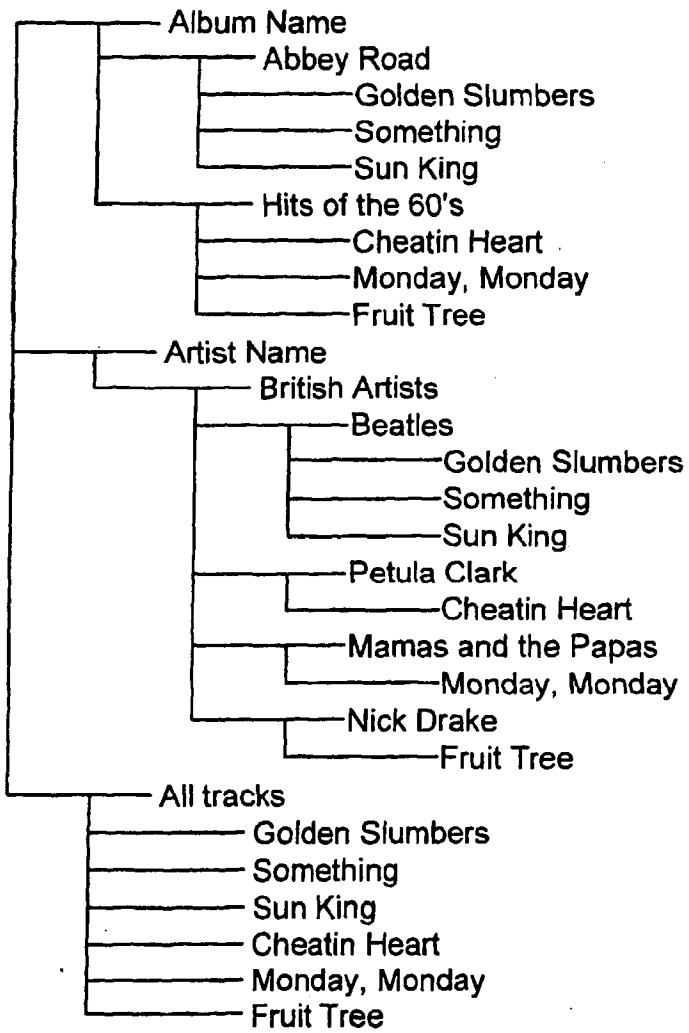


FIG. 3.

CL 000004

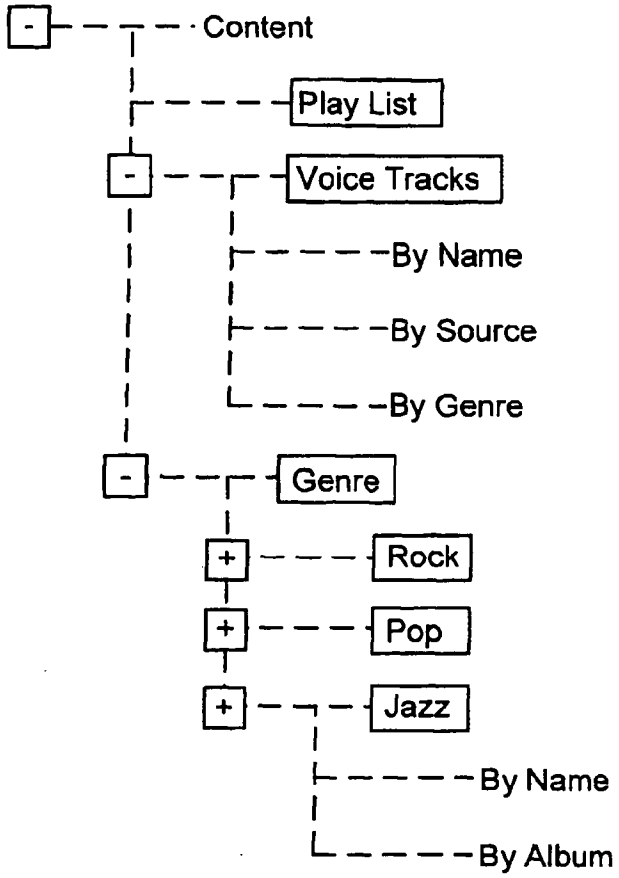


FIG. 4.

file data	album	name	genre	type

FIG. 5.

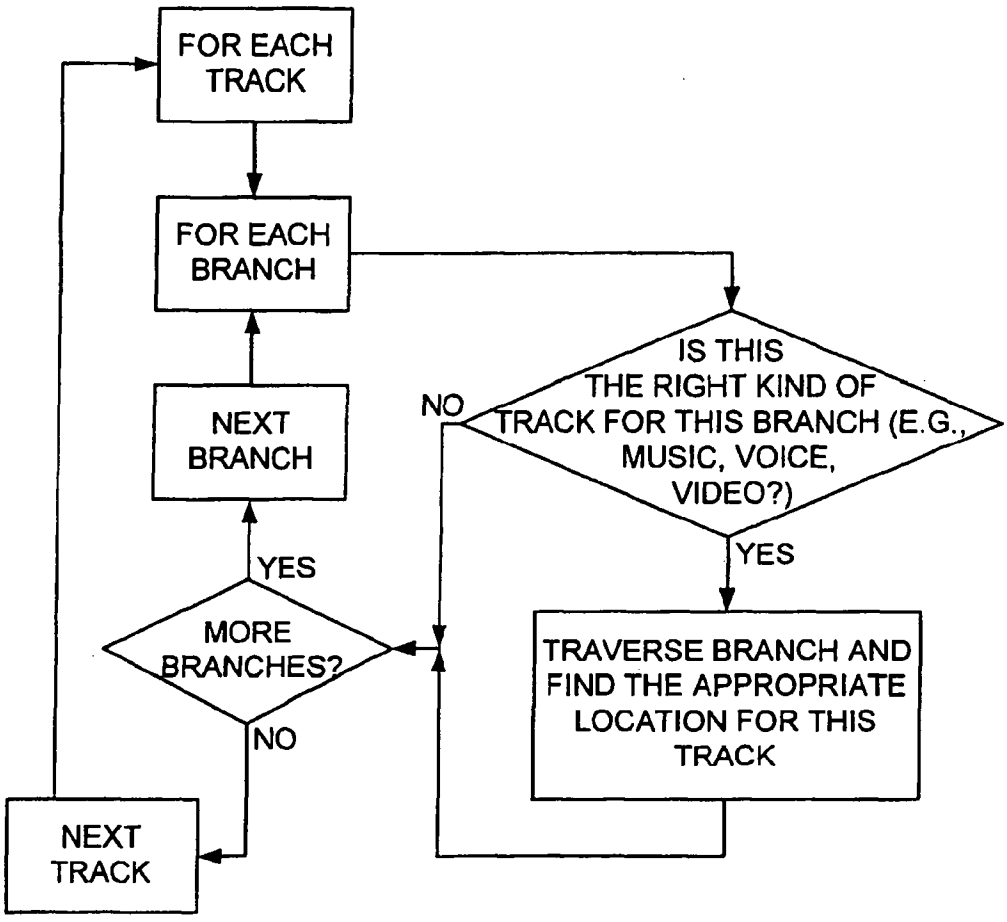


FIG. 6.

CL 000006

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Albums	Full Moon Fever	Free Falling	
		I Won't Back Down	
	Graceland	Love Is A Long Road	
		The Boy In The Bubble	
		Graceland	
	Hotel California	Hotel California	
		New Kid In Town	
	Unknown (Created for items without Album attribute)	Track 1	
		Stardust	
Artist	Tom Petty	Full Moon Fever	Free Falling
			I Won't Back Down
			Love Is A Long Road
	Eagles	Hotel California	Hotel California
			New Kid In Town
	Paul Simon	Graceland	The Boy In The Bubble
			Graceland
Genre	Rock	Full Moon Fever	Free Falling
			I Won't Back Down
			Love Is A Long Road
		Hotel California	Hotel California
			New Kid In Town
		Graceland	The Boy In The Bubble
			Graceland

FIG. 7.

CL 000007

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FIG. 8.

CL 000008
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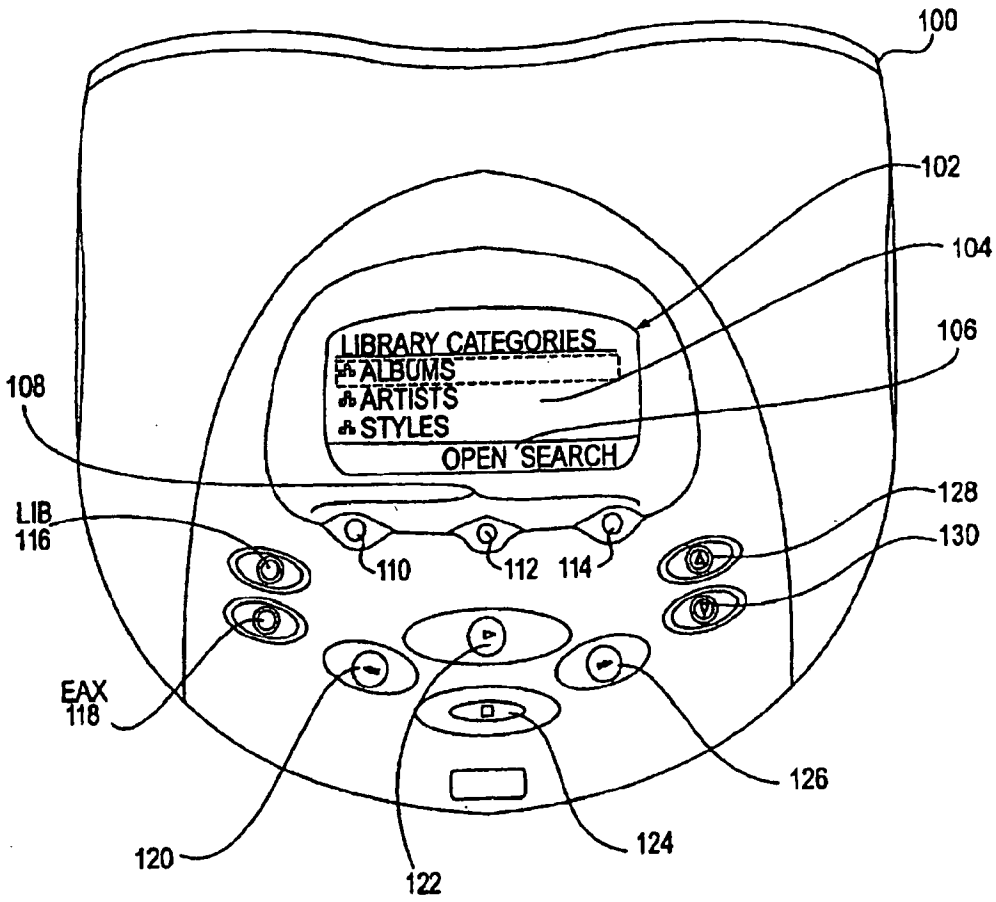

FIG. 9

CL 000009

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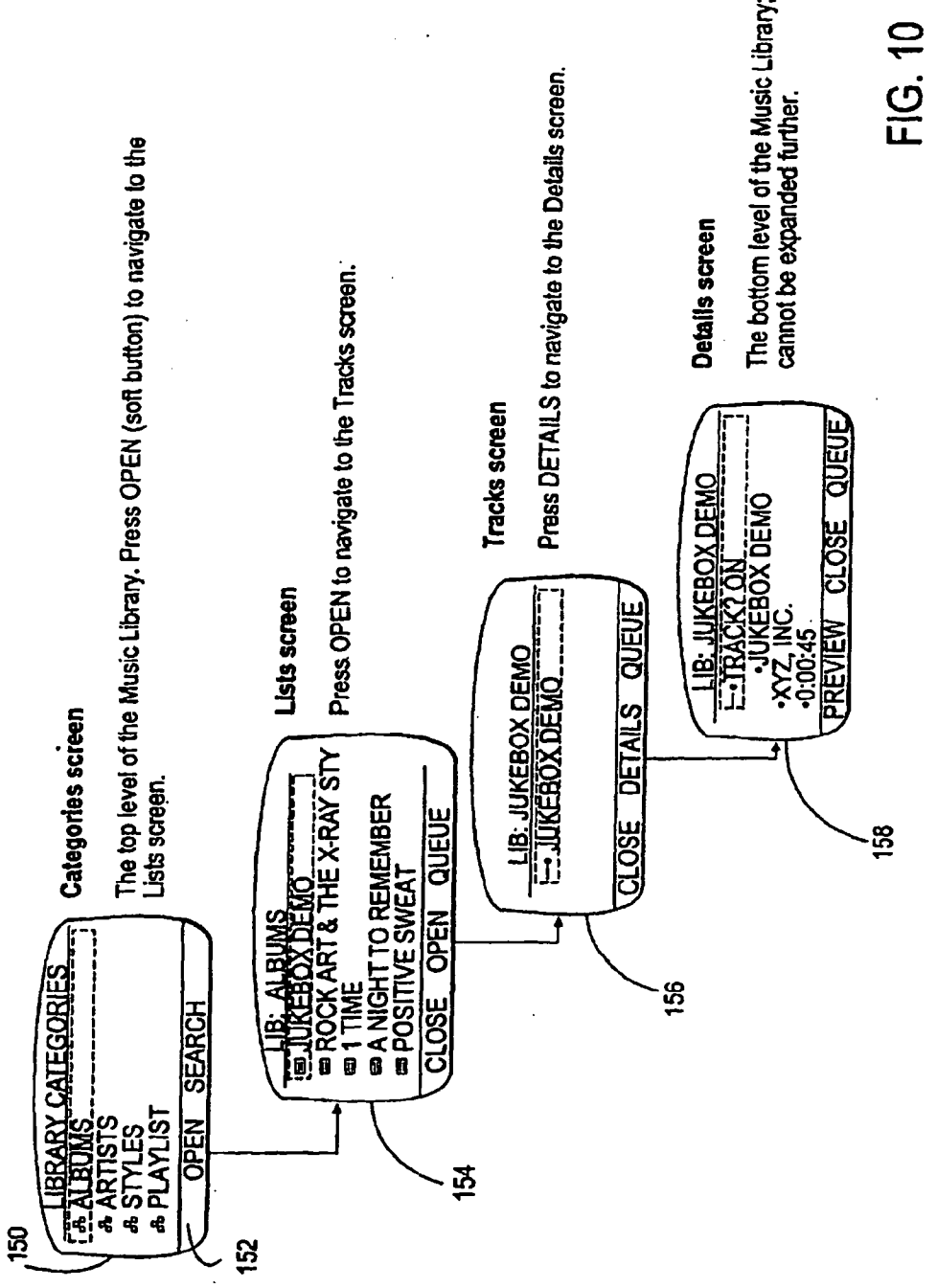

FIG. 10

CL 000010

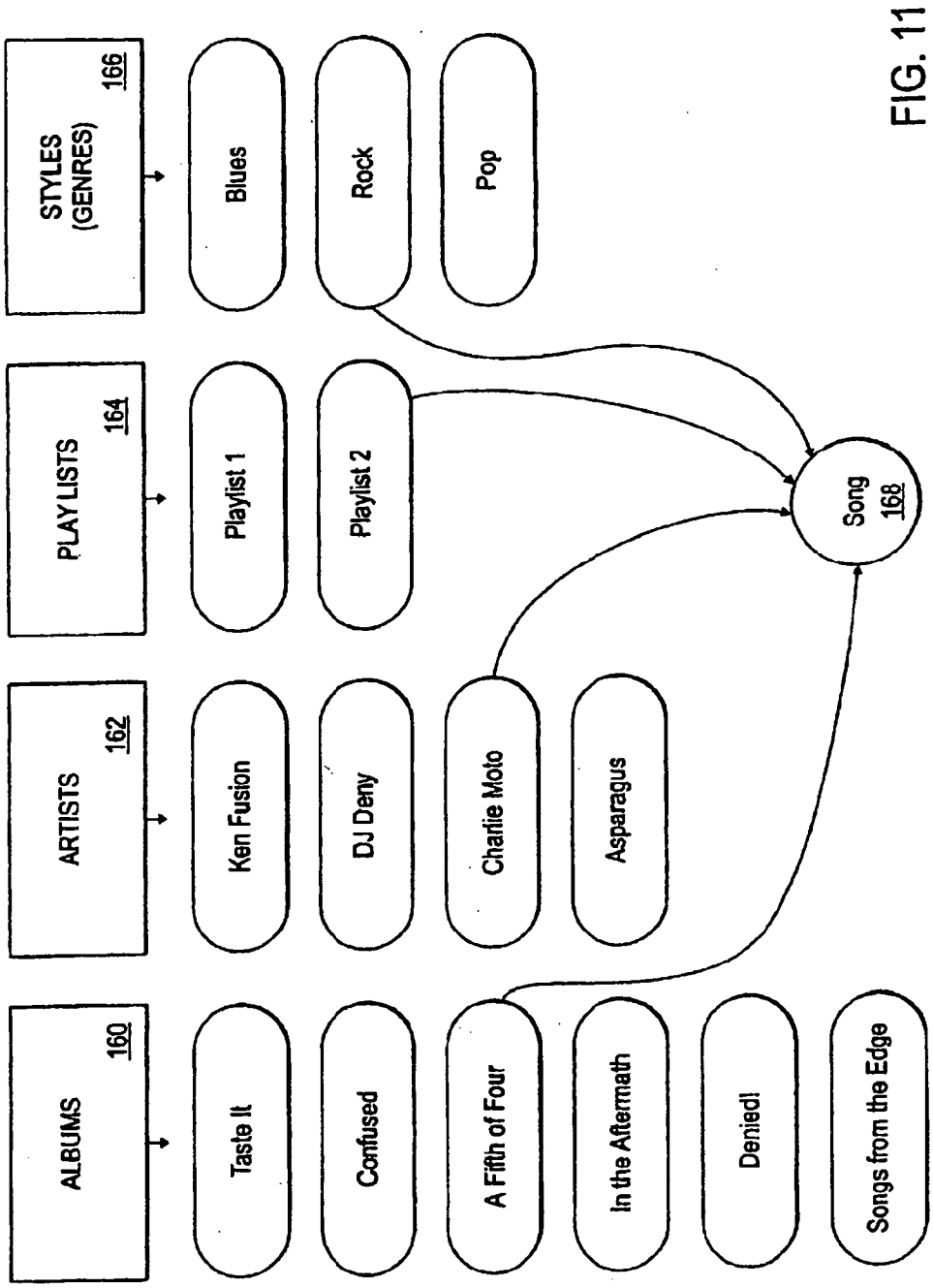

FIG. 11

CL 000011

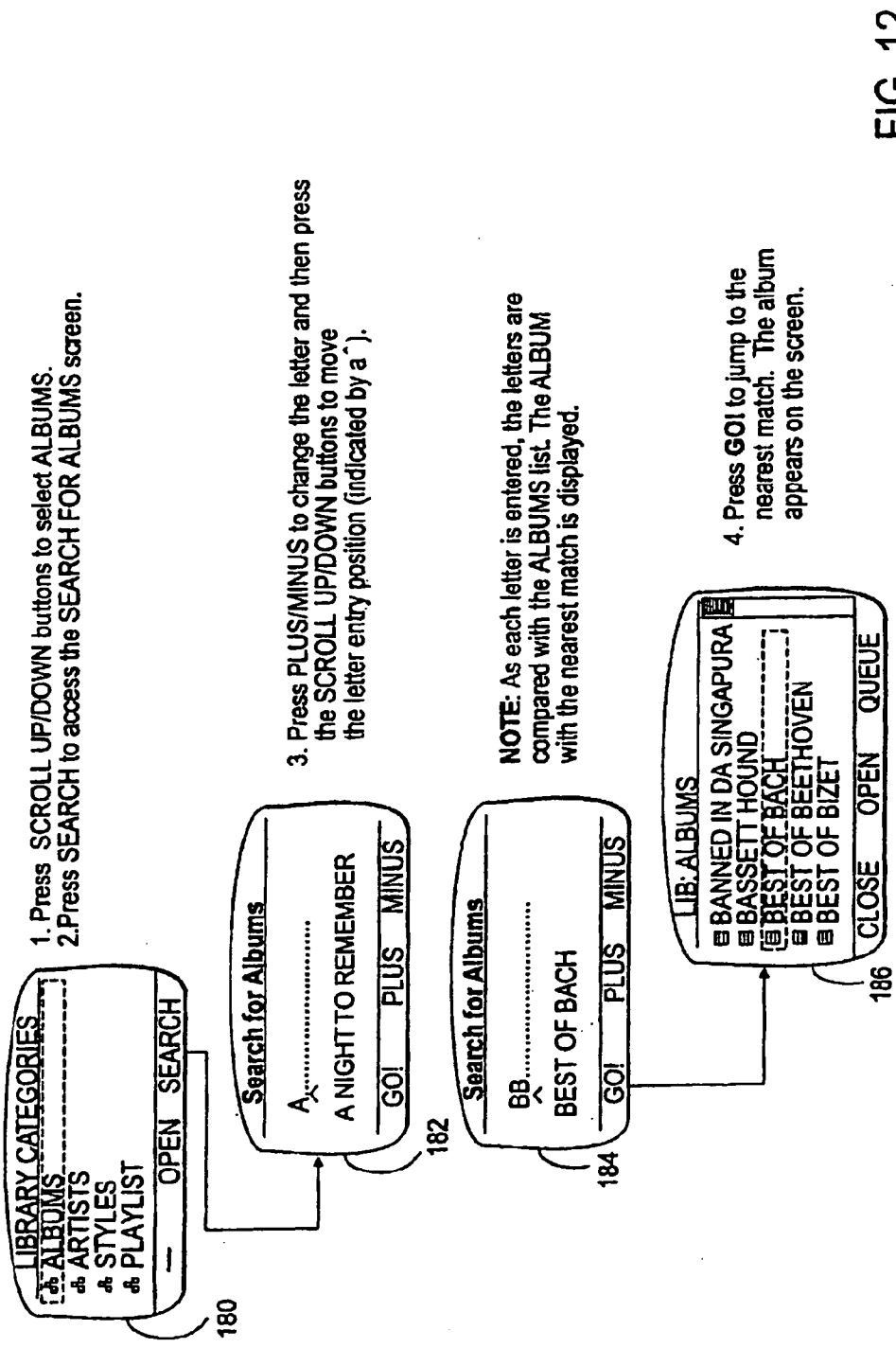

FIG. 12

CL 000012

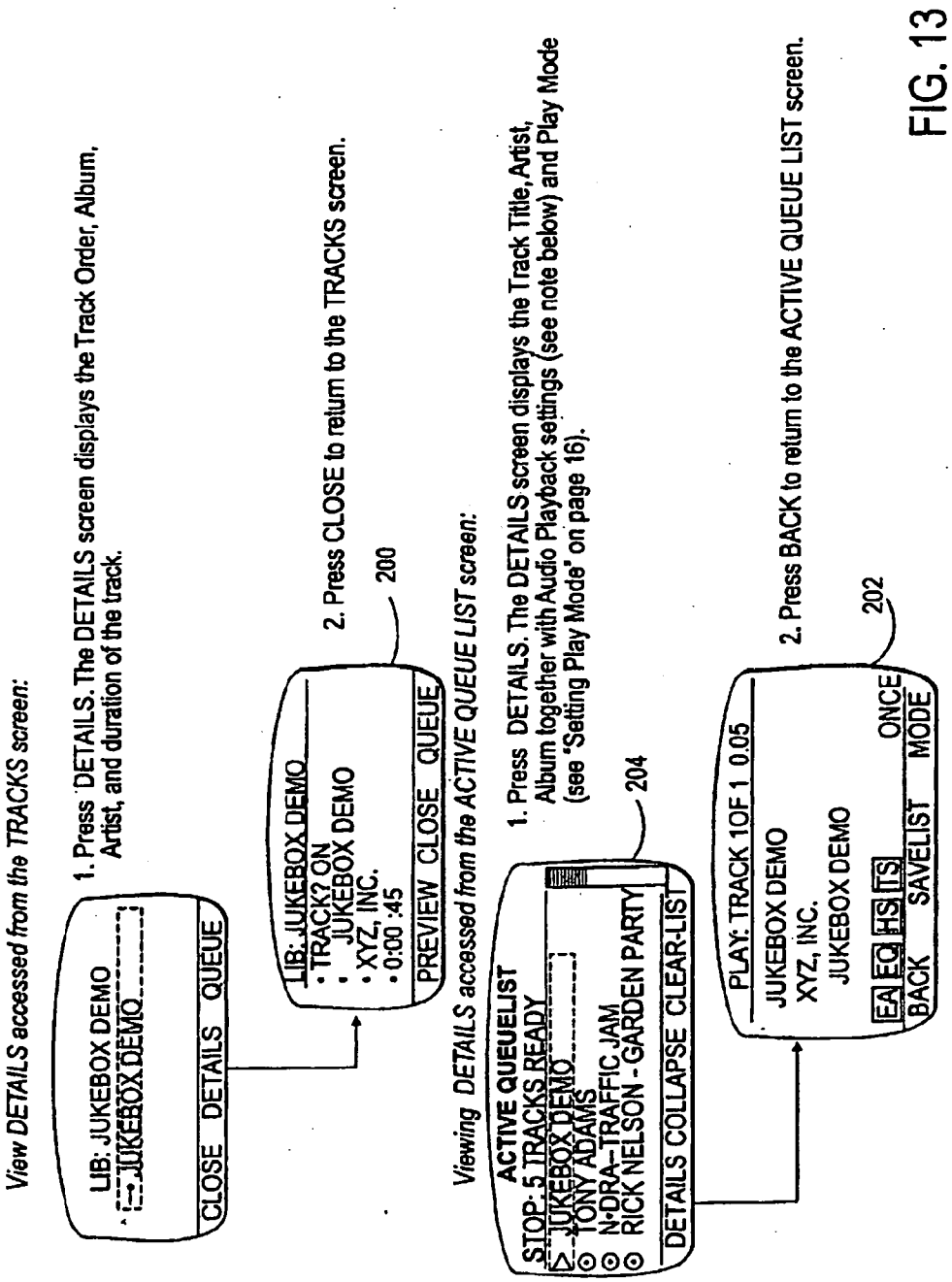

FIG. 13

CL 000013

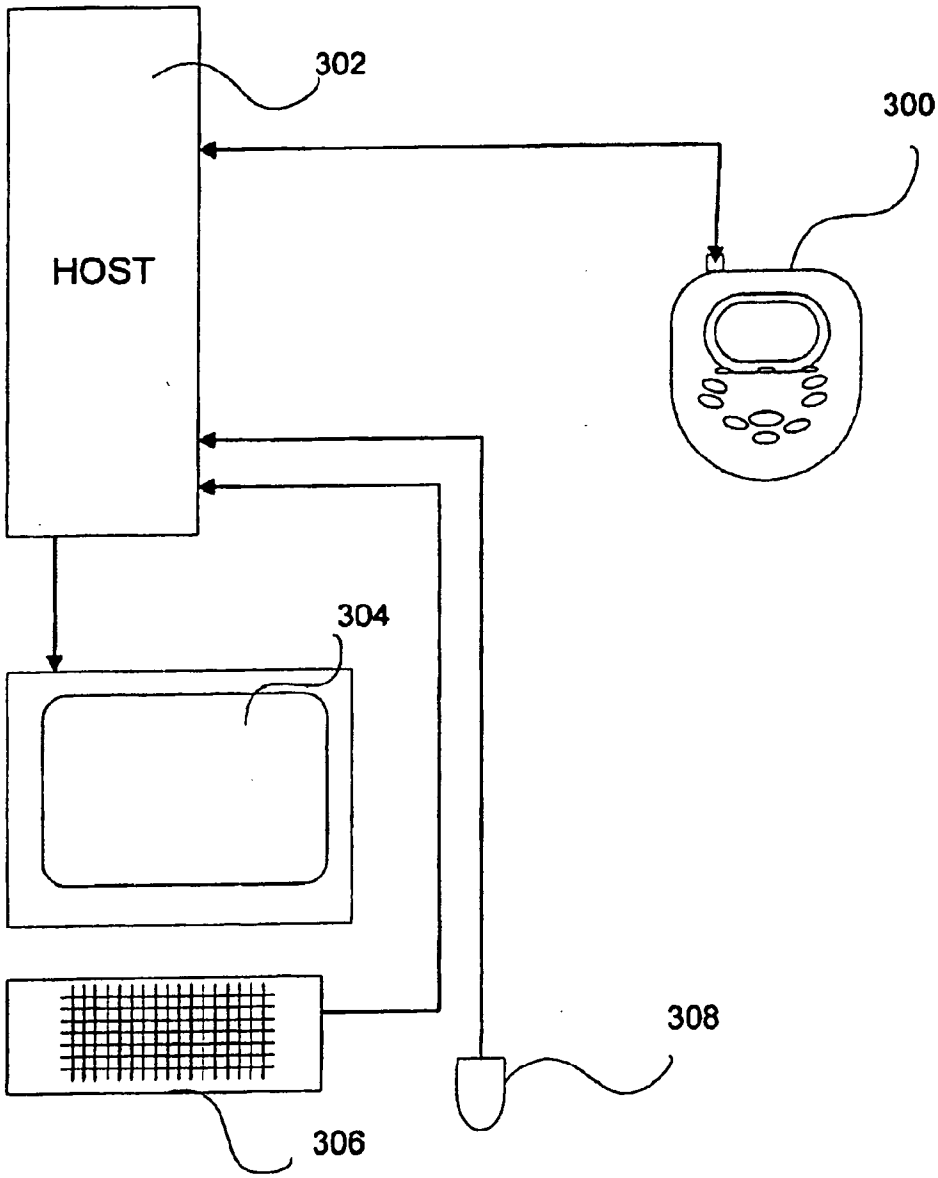

FIG. 14

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

CROSS-REFERENCES TO RELATED APPLICATIONS

This application is related to Application Ser. No. 09/755,629, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," now abandoned and Application Ser. No. 09/755,367, entitled "Audioplayback Device with Power Savings Storage Access Mode," issued as U.S. Pat. No. 6,590,730, all filed Jan. 5, 2001, the disclosures of which are incorporated herein by reference.

BACKGROUND OF THE INVENTION

Today, portable consumer electronic devices are more powerful than ever. For example, small, portable music playback devices can store hundreds, even thousands, of compressed songs and can play back the songs at high quality. With the capacity for so many songs, a playback device can store many songs from different albums, artists, styles of music, etc.

Music jukeboxes implemented in software executed by a digital computer and portable MP3 and CD players both provide facilities for forming playlists. For example, the OOZIC player, distributed by the assignee of the present application, runs on a host PC and has a playlist feature that allows selection of tracks from the PC's hard disk to be included in the playlist.

As storage capacity increases and songs are compressed to shorter file lengths the number of songs that can be stored increases rapidly. Major problems facing the consumer are organizing and accessing the tracks.

Typically, portable devices have a user interface including a small screen and buttons. Such a display screen might be, e.g., 1"×2". This small display size is necessary because of the physical size of the device which is typically carried in the hand. The small size also limits the number, size, shape, and types of user input controls that can be mounted on the device. For example, a few pushbuttons are usually provided to perform all of the device's control functions. Using such a compact user interface to navigate and select among hundreds of songs is inefficient and often frustrating. The display screen can only show a few song titles at one time, and the limited controls make it difficult for a user to arbitrarily select, or move among, the songs.

The creation of playlists is one technique to organize the playing of songs. A set of songs can be included in a playlist which is given a name and stored. When the playlist is accessed, the set of songs can be played utilizing various formats such as sequential play or shuffle.

However, the creation of playlists itself becomes problematic as the number of songs increases, since the user often arbitrarily selects songs from a large number of tracks to form a playlist. This selection mechanism: can be fairly tedious; does not necessarily produce playlists that are of interest to the user over the course of time; may not remain up-to-date if new songs are added that logically fit into a previously created playlist (e.g. "Favorites by Band X" might become out of date if a new favorite by Band X is added after the playlist was created); and leads to "lost" songs that are not members of any playlist.

Accordingly, improved techniques for organizing and grouping tracks useful in a portable music player are needed.

Further, it is desirable to provide a user interface suitable for a small device. The user interface should allow a user to efficiently navigate among, and select from, many items stored in the device.

SUMMARY OF THE INVENTION

The present invention provides an efficient user interface for a small portable music player. The invention is suitable for use with a limited display area and small number of controls to allow a user to efficiently and intuitively navigate among, and select, songs to be played. By using the invention, very large numbers of songs can be easily accessed and played.

One aspect of the invention includes an overlapping hierarchy of categories. Categories include items that can also be included in other categories so that the categories "overlap" with each other. Thus, a song title can be accessed in multiple different ways by starting with different categories. For example, a preferred embodiment of the invention uses the top-level categories "Albums", "Artists", "Genres" (or styles), and "Play Lists". Within the Albums category are names of different albums of songs stored in the device. Within each album are the album tracks, or songs, associated with that album. Similarly, the Artists category includes names of artists which are, in turn, associated with their albums and songs. The Genre category includes types of categories of music such as "Rock", "Hip Hop", "Rap", "Easy Listening", etc. Within these sub-categories are found associated songs. Finally, the "Play Lists" category includes collections of albums and/or songs which are typically defined by the user.

Advantageous use is made of the overlapping hierarchy to allow the user to quickly designate a song for playback. The device uses three "soft" pushbuttons that have assignable functions. The interface maintains consistent button functionality whenever possible and uses uniform command names and operations in different types of items so that the interface is more intuitive. For example, the user can open and queue both albums and songs with predictable results.

The interface also provides for multiple functions for a single control. For example, a "Play" button can act, in a first function, to play a currently-selected song. The Play button can act, in a second function, to cycle through different playback modes. The modes can be, e.g., (1) playback of songs from a hard disk; (2) playback of music from a radio receiver built into the device; and (3) playback of voice messages. The first function for the Play button can be activated by momentarily depressing the Play button for a short period of time. The second function is invoked by depressing the Play button for a longer period of time whereupon the device cycles through the different modes. Other ways of invoking the functions are possible such as where the second function is automatically entered from a powered-down state.

In one embodiment, the invention provides a method for selecting songs to be played in an electronic audio device, wherein the device includes a display and one or more user input controls, wherein songs are organized into categories, albums, wherein songs and albums are associated with artist names. The method includes steps of displaying categories on the display; accepting signals from a user input control to select a category; displaying one or more songs in the selected category on the display; accepting signals from a user input control to select a displayed song; and entering selected songs into a playlist queue, wherein the device plays back songs in the playlist queue.

According to one aspect of the present invention, a technique is provided for organizing tracks on a portable music player by automatically filing tracks in a hierarchical order based on attributes of the tracks.

CL 000015

According to another aspect of the invention, metadata is associated with each track that is used to automatically define the track's appropriate place in the hierarchy.

According to another aspect of the invention, the hierarchy is displayed on the portable music player so that a user can traverse the organizational hierarchy to find individual tracks or find playlists composed of logical groups of tracks.

According to another aspect of the invention, the hierarchy is derived by using metadata associated with the audio content that was obtained through any source of metadata (e.g. CDDB metadata, id3v2 metadata, other obtainable metadata) and subsequently stored with or alongside the file that stores the track.

According to another aspect of the invention, a file is formatted so that an unaltered track is stored as file data and information about the track is stored in file attribute files.

Other features and advantages of the invention will be apparent in view of the following detailed description and appended drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. **1** is a schematic diagram of a tree structure for hierarchical filing of tracks;

FIG. **2** is a definition file that specifies the hierarchy depicted in FIG. **1**;

FIG. **3** is a user's view of the hierarchy;

FIG. **4** is a schematic diagram of a user interface displaying the hierarchical category structure;

FIG. **5** is a diagram of a file format for storing filed data and file attributes;

FIG. **6** is a flow chart depicting steps for filing tracks according to the hierarchical tree structure;

FIG. **7** depicts a tree resulting from searching the tracks; and

FIG. **8** depicts a format for a user interface;

FIG. **9** illustrates the NOMAD Jukebox and its user interface controls;

FIG. **10** illustrates a sequence of display screens describing how to navigate to lower levels;

FIG. **11** illustrates associations among items;

FIG. **12** shows display screens used to search for a song or other item;

FIG. **13** illustrates details of different items; and

FIG. **14** illustrates a playback device coupled to a host computer system.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

A preferred embodiment of the invention will now be described in the context of a portable personal player that plays audio files stored in memory. The files may be in MP3, wav. or other digital formats.

In the presently described embodiment, users are able to see the tracks on their player in some organized fashion other than as a single list of tracks. As will be described in more detail below, in one embodiment tracks are sorted utilizing a tree structure having branches labeled according to types of metadata associated with the tracks

For example, a track recorded as "Golden Slumbers" by the Beatles that appears on their album "Hey Jude" might appear as a track under the album "Abbey Road" as well as a track under the list of tracks by the Beatles. It might appear as a track under the genre "Pop Rock" as well as "Songs from the 60's." Furthermore, the organization can have more complex hierarchies. For example, the category of "Pop Rock" might contain subcategories "British Musicians," "American Musicians" and "Other Musicians". In all cases, the track is automatically filed into all appropriate locations without requiring user interaction.

In the currently defined embodiment, a tree structure is defined by a file having the following structure.

The first line of a TreeDef.inf file contains a version number:

V1.0

Each subsequent line (at least in v1.0) contains lines of the following format:

CATEGORY_NAME|TRACK_TYPE MASK|CATEGORY_STRUCTURE

CATEGORY_NAMEs are the top-level names of the branch under which tracks are sorted. They include things like "Album," "Artist," "Voice Tracks," "All Tracks," etc.

TRACK_TYPE_MASKs tell which types of tracks are to be filed under this particular branch. The actual value is a hexadecimal numerical value (in '0X' format, e.g. 0X01) generated by ORing the following flags together as appropriate:

```
enum tTrackType
{
    kTTNothing=0x00,
    kTTSong=0x01,
    kTTVoice=0x02,
    kTTBook=0x04,
    kTTMacro=0x08,
    kTTPlaylist=0x10
};
```

So, for example, the "Album" branch has a TRACK_TYPE_MASK of kTTSong, because only songs are filed under that branch, but the "All Tracks" branch has a TRACK_TYPE_MASK of (kTTSong|kTTVoice|kTTBook).

Other elements might be added to tTrackType (e.g. kTTVideo) as appropriate.

CATEGORY_STRUCTUREs tell how to file the songs based on their metadata information. The CATEGORY_STRUCTURE is a string of characters that tell, from left to right, the order of hierarchy. The characters come from the following enum constants:

```
enum tFileTag
{
    kFTNone='@',
    kFTTrackType='T',
    kFTTitle='N',
    kFTAudioFile='F',
    kFTArtist='M',
    kFTAlbum='L',
    kFTGenre='G',
    kFTSource='S',
    kFTYear='Y',
    kFTArtistCountry='C'
};
```

Thus, a CATEGORY_STRUCTURE of LN tells to create a subcategory that is a list of Albums, each of which contains a list of Tracks.

In total, a line like:

Album|0x01|LN

Says to create a branch called "Album" which contains tracks of type kTTSong organized first by album name, and then by track name.

The following is an example of a tree definition file similar (though not identical) to the hierarchy presented in the Nomad Jukebox product (the 'B' before each FileTag was used to identify that these are basic tags so that we wouldn't run out of letters in the alphabet as we included more complex metadata—thus each group of two letters represents a level in the hierarchy):

```
V1.0
Album|0x01|BLBN
Artist|0x01|BMBN
Genre|0x01|BGBN
Voice Tracks|0x02|BSBGBN
Playlists|0x10|BN
Macros|0x08|BN
All Tracks|0x07|BN
```

FIG. 1 depicts a hypothetical organization hierarchy. The tree shows how tracks might be listed (as leaves in the tree) after having been organized. Example values for nodes in the tree are shown as well. The same track may appear more than once as a leaf in the tree, as described above, if it fits into multiple categories (e.g. a song that appears on the Abbey Road branch would also appear in the Beatles branch). In the example shown, the first branch contains tracks organized by album. As shown in the example, this music collection contains three tracks from "Abbey Road" and three tracks from "Hits from the 60's". The second branch contains tracks organized by artist, and sub organized by where the artist is from. Thus, a user browsing would first select the "Artists" branch and then choose between "British Artists" and "American Artists". Finally, they would select the particular artist. In the third branch, all tracks are shown.

The tree definition file that would specify the hierarchy shown in FIG. 1 is shown in FIG. 2.

The first line identifies the version of the tree definition file.

The second line defines the "Albums" branch. The first part of the line, "Albums" defines the name of the branch. The second part, "0x01," defines that all musical tracks should be categorized on this branch. The third part, "BLBN," defines that the branch lists first the names of all albums (BL) and then tracks on those albums (BN).

The third line defines the "Artists" branch. The first part of the line "Artists" defines the name of the branch. The second part, "0x01, " defines that all musical tracks should be categorized on this branch. The third part, "BCBMBN," defines that the branch lists first the names of all countries where artists in this collection come from (BC) and under those items, the artists' names (BM), and then tracks by those artists (BN).

FIG. 3 shows what a user's view of this hierarchy might be if he/she were shown a fully expanded view of the 6-song tree. Notice that each song appears three times, once in each branch.

In consumer products the tree define file is not edited directly but through a user interface, one example of which is depicted in FIG. 4. An example of a user interface for viewing songs by category and editing the tree structure is depicted in FIG. 4.

An embodiment of the invention is utilized in the Nomad® Jukebox, manufactured by the assignee of the present invention, and described more fully in the copending application, filed on the same date as the present application, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," (Attny. Docket No. 17002-020800).

In a preferred embodiment, metadata is associated with each track and includes such information as title, genre, artist name, type, etc. In the preferred embodiment, software stored in a portable player and executed by the onboard processor automatically files each track in the correct category utilizing the associated metadata and the tree define file. The program code can be stored in any computer readable medium including magnetic storage, CD ROM, optical media, or digital data encoded on an electromagnetic signal.

Thus, the user is automatically provided with a powerful and flexible tool for organizing and categorizing the tracks stored on the portable player.

If the tracks are formatted in MP3 format the metadata can be stored in ID3 tags included in the MP3 file. In one embodiment of the invention, the tracks are stored in alternate file format including file data and file attributes. The file data is the music track itself and the file attributes part of the file includes fields of arbitrary size which are used to store metadata characterizing the track stored as the file data. Again this metadata includes information about the track such as title, genre, artist name, type, etc.

There are several advantages to using the alternate file format. Metadata of types not easily included in an ID3 tag can be utilized. Further, the original track format is not changed, so that error correction data such as checksums are valid. Finally, any file format can be used (e.g. WAV, WMA, etc.) because the metadata is stored separately, and thus audio formats that have limited support for metadata can still be stored on the portable player in native format without transcoding. The formatted files are formed by software stored in the portable music player and executed by an on-board processor.

The metadata for each track is utilized to file each track, using the categories defined in the hierarchical structure as described above, without any input from the user.

FIG. 5 is a schematic diagram of the alternative file format including file data in the form of an MP3 track, and metadata fields for holding data indicating the name of the album the track is from, the name of the song, the genre of the song, and the type of track.

A particular embodiment of a file format will now be described. All tracks are created with some set of attributes as shown below:

Definition of TrackInfo Data Field

Field	Offset	Size	Description
Attribute Count	0	2	The number of attribute follow for the track
Attr 1 type	2	2	Binary = 0, ASCII = 1
Attr 1 name len	4	2	Length of attribute name string
Attr1 data len	6	4	Length of attribute data
Attr1 Name	10	N	Attribute name string
Attr 1 Data	10 + N	M	Attribute data
...			
...			
Attr N type			
Attr 1 name len			
Attr1 data len			
Attr1 Name			
Attr 1 Data			

-continued

Required Attributes		
Attribute Name	Value(s)	Remarks
TITLE	ASCII string	RequiredByJukebox
CODEC	"MP3", "WMA", "WAV"	RequiredByJukebox
TRACK ID	DWORD	Set By Jukebox
ALBUM	ASCII string	Optional
ARTIST	ASCII string	Optional
GENRE	ASCII string	Optional
LENGTH	In seconds	Optional
TRACK SIZE	In bytes	Optional
TRACK NUM	1–n (track within album)	Optional

These attributes can be subsequently changeable via a host application, running on a personal computer connected to the portable music player.

FIG. 6 shows a flow chart of an embodiment the process used to build the hierarchical database of tracks. It starts by iterating through each track, and, for each track, iterating through each branch to find if the track belongs on the branch, and, if so, where. In this case, the term track could refer to any content, e.g. a music track, a spoken word track, or even a video track.

Also, the hierarchical catalog of tracks can be used to form playlists in a structured manner. For example, if a user wants to hear Jazz and Blues the entire sub-categories can be selected to form one playlist.

An alternative hierarchical catalog generation technique will now be described. In this alternative embodiment, at system startup and as tracks are added or changed, the hierarchy is generated as an in-memory tree structure. Each track is added to the tree using the categories ALBUM, ARTIST and GENRE.

The following example shows the algorithm for adding a track. For clarity, only the attributes used by the tree are shown.

TITLE	"Free Falling"
ALBUM	"Full Moon Fever"
ARTIST	"Tom Petty"
GENRE	"Rock"
TRACK NUM	1

The following function is executed to build the in-memory memory tree.

```
Build Tree( )
For each track,
    Add Track To Category(Album, Track)
    Add Track To Category(Artist, Track)
    Add Track To Category(Genre,Track)
End of Build Tree
```

FIG. 7 depicts a tree which could result from implementing Build Tree( ) function. Note that "Stardust" does not have any entries for Album or Artist. The host software running on a computer connected to the portable music player could be utilized to add missing attributes to the "Stardust" track and, optionally, edit the title attribute. The Build Tree( ) function would then reinsert this track in the correct location in the tree.

FIG. 8 is an embodiment of a user interface according to another embodiment of the invention. In this example the root node is labeled "My Configuration" and the Playlist category has been selected and the Playlist subcategory "Meddle" has been selected. Note that the types of Metadata, in this example, Track Name, Artist, Album, Tempo and Dance, are listed across the top of the screen, and the attribute values for each track are listed in a row across the screen. Various control buttons are displayed to the right of configuration window that facilitate quickly invoking selected processing on a selected track.

As noted above, a preferred embodiment of the present invention is incorporated into a product manufactured and distributed by Creative Technology, Ltd. The product is called the "NOMAD Jukebox." The following description describes further details of the display screens and interface controls.

FIG. 9 illustrates the NOMAD Jukebox and its user interface controls.

In FIG. 9, electronic audio device **100** measures about 5.5" wide by 5.5" tall by 1" thick. Display screen **102** is about 2" wide by 1" tall. Display screen **102** includes different regions such as main region **104** and soft button function description region **106**.

Three soft buttons are located at **108**; including buttons **110**, **112** and **114**. The specific command, or function, that any of the soft buttons perform when depressed is indicated by the label in soft button function description region **106**. Thus, the function of soft button **112** (as shown in FIG. **9**) is "open," the function of soft button **114** is "search" while soft button **110** is currently not assigned a function.

The other eight buttons on device **100** perform essentially the same functions at all times. In other words, they are not subject to function changes according to soft button function description area **106**. These button include Library button **116**, EAX and System button **118**, Skip Backward button **120**, Play button **122**. Stop button **124**, Skip Forward Button **126**, Scroll Up button **128** and Scroll Down button **130**. However, as discussed below, these buttons (or any type of controls used with the device) can include alternate functionality that is invoked in different ways.

The device uses visual cues, or indicators, in the display. When an item is highlighted it indicates that the item is the "current" item, or currenty-selected item, which is susceptible to be operated on by a subsequent user action—such as playback, or expansion of the item. In FIG. **1**, screen **102** shows that the item, "ALBUMS," is highlighted. The highlighted item can be acted upon by using the soft buttons, or another button, as decribed below. The current item can be changed by using Scroll Up button **128** and Scroll Down button **130** to move the highlight up or down, respectively, throughout a list of displayed items.

Icons are used to provide additional visual cues for an item. In FIG. **1**, each of the categories has a category icon to the left of it. The category icon, which may not be distinctly visible in the Figure, illustrates a first box connected by lines to additional boxes below the first box. The icon depicts a hierarchy and illustrates the property of categories, i.e., that categories can contain additional categories, songs or other items.

FIG. **10** illustrates a sequence of display screens describing how to navigate to lower levels.

In FIG. **10**, library category screen **150** shows the display as it appears when the user depresses library button **116** of FIG. **9**. A preferred embodiment of the device uses 4 first-level categories. These are "Albums", "Artists," "Styles" and "Play Lists". Each of these categories can "contain," or be associated with, other categories, songs, or items.

Note that in library category screen **150** ALBUMS is currently highlighted. By depressing soft button **112** of FIG.

9, the "open" command is performed on the highlighted category, as indicated by the labeling of soft button 112 and soft button function description area 152 of FIG. 10.

Lists screen 154 is displayed as a result of a user opening Album category of library category screen 150. Lists screen 154 shows items within the Albums category such as commercial albums of multiple songs from a record label, pre-made lists or collections created by a user, or other predefined lists or collections of songs or recordings.

In FIG. 10, lists screen 154 shows each item as a list of songs. This is shown visually by the icon to the left of each item which depicts a miniature list. Possible soft button commands are "Close", "Open" and "Queue". These commands correspond to soft button 110, 112 and 114, respectively. If the user selects the Close command, the display reverts to library category screen 150. If the user selects the Open command, the display shows tracks screen 156. Alternatively, the user can select the Queue command to instruct the device to place all the songs from the selected (i.e., highlighted) list into the play list for eventual playback. Yet another option allows the user to press play button 122 of FIG. 9 to cause any currently-selected songs or a list of songs (e.g., an album) to immediately be played.

Returning to FIG. 10, tracks screen 156 shows that a single song called "JukeBox Demo" is in the list. The list is also called JukeBox Demo as shown in lists screen 154. Tracks screen 156 shows possible soft commands assigned to buttons, namely "Close", "Details" and "Queue." The Close button performs the same function as before—it returns the user to the previous screen which, in this case, is lists screen 154. The user can also select the Details command to cause details of the song JukeBox Demo to be displayed in details screen 158 as shown in FIG. 10. The user can select the Queue command by soft butto 114 to enter the selected song into the play list queue. As before, the user can also depress play button 122 of FIG. 9 to cause immediate playback of the selected song.

Details screen 158 shows information about the selected song including the name of the song, album (or list) name containing the song; the track number, if applicable, and track duration. Note that other information can be included. The user can preview the song, close the Details screen to return to the Tracks screen or queue the song on the play list queue.

The device provides the ability to "preview" audio files even while a current song, or playlist, is being played. When a user chooses to preview an audio file, the audio file is played for about 10 seconds while any currently-played file or playlist is suspended. After previewing is complete, the suspended file or playlist resumes playback. In other embodiment, the preview duration can vary, or be stopped by user selection.

FIG. 11 illustrates associations among items.

In FIG. 11, song 168 is one of many songs stored in the device. Categories such as albums 160, artists 162, play lists 164 and genres 166 each include sub-categories. For example, albums 160 includes the names of various albums. Songs are associated with albums, genres and playlists. Such association can be by using pointers, a data structure including items to be associated, etc. "Association" as used herein, includes a first item associated with a second item; and the second item associated with the first item. In other words, albums can be associated with one or more songs in the database of the device so that an utomated search to find all songs associated with an album is easier. The direction of arrow pointers in FIG. 11 is not intended to limit the manner of associations among items in the present invention.

Similar to albums, the category of artists 162 includes names of artists, or performers, of songs. Each artist name is associated with one or more songs in the database. Playlists 164 includes names of playlists. These are collections of songs that can be defined by the user, the device manufacturer, or others. Each playlist can be associated with one or more songs. Genres 166 includes various styles of music which are associated with one or more songs. Genres 166 includes various styles of music which are associated with one or more songs in the database. Note that items can exist without being associated with a song. Also, items can be associated with other items as where an artist name is associated with the albums containing the songs that the artist has created.

Although not shown in FIG. 11, items can have additional information, such as properties, details, etc., associated with the item. For example, a song can have information such a play time, artist name, artist album, copyright owner, etc., associated with the song.

FIG. 12 illustrates display screens used to search for a song or other item.

In FIG. 12, screen 180 is the initial library screen, as discussed above. If the user invokes the Search command (via the appropriate soft button) with Albums selected then screen 182 is displayed. Note that the search function can be applied to any of the categories. The user can depress the Plus or Minus soft buttons to cycle through the alphabet and change the character in the current location as indicated by the cursor. The cursor position is changed by using the scroll up/scroll down buttons 128 and 130, respectively, of FIG. 9. As each letter is entered the letters are compared and the nearest match of the stored albums' names is displayed as shown in screen 184. When the desired match is displayed the user selects the Go! command. Screen 186 shows the result of selecting the Go! command. A list of albums is displayed with the matched album centered and selected. The user can close, open or queue the album as discussed above.

FIG. 13 illustrates details of different items.

In FIG. 13, screen 200 illustrates details displayed as a result of selecting the "Details" command from soft button 1A track is selected. Screen 200 shows that details of the track "JukeBox Demo" shows the name of the album that the track resides on, the creator, or copyright owner, of the track, and the playing time of the track.

Screen 202 illustrates details of an item on the active queue list. Items are placed onto the active queue list be selecting the "Queue" command when an album, song, track, or other item is selected, as discussed above. For example, screen 204 shows the active queuelist where the track "JukeBox Demo" is selected. By invoking the "Details" command screen 202 is brought up to show details of the Jukebox Demo track.

As shown in screen 202, the Detail screen shows what track number the selected track is, which album the track is from; the creator, or copyright owner, of the track, and the title of the track. Additionally, the details for an item on the queue list also show playback settings. These are shown by two-letter abbreviations at the bottom of the screen. The settings are as shown in Table I, below.

TABLE I

EA	Environmental Preset
EQ	Parametric EQ
HS	Headphone Spatialization
TS	Time Scaling

TABLE I-continued

4S	Four Channel Speaker Sound (only if speakers are connected)

These settings have their common meanings, as is known in the art. Note that the setting 4S is not shown in screen 202 as it is not currently active.

FIG. 14 illustrates the Nomad Jukebox coupled to a host computer system.

In FIG. 14, device 300 (e.g., the Nomad Jukebox) is coupled to host system 302. In a preferred embodiment host system 302 is a personal computer, such as an IBM-PC compatible computer. Host sytem 302 includes a user interface having display 304 and user input devices such as keyboard 306 and mouse 308. In other embodiments the host system need not be a full computer system. Any type of processing system having a user interface is possible. For example, it is possible to couple the device to a laptop computer, game console, web-enabled television, or any consumer electronic device or digital platform, in general. The host user interface need not provide a display and can be much more minimal than the keyboard and mouse shown in FIG. 14. A preferred embodiment of the invention uses a Universal Synchronous Bus (USB) connection but any type of connection such as IEEE 1394 (FireWire), Ethernet, Serial Port, etc. can be used. A wireless (i.e., optical or radio frequency) connection can be used.

Once device 300 is coupled to host system 302, a user of host system 302 can launch a bridge interface to allow for the transfer of files between device 300 and host system 302. In a preferred embodiment, once the bridge interface is launched, the controls of device 300 are inoperable. The user interface of host sytem 302 is used to operate the bridge interface to transfer files.

The invention has now been described with reference to the preferred embodiments. Alternatives and substitutions will now be apparent to persons of skill in the art.

What is claimed is:

1. A method of selecting at least one track from a plurality of tracks stored in a computer-readable medium of a portable media player configured to present sequentially a first, second, and third display screen on the display of the media player, the plurality of tracks accessed according to a hierarchy, the hierarchy having a plurality of categories, subcategories, and items respectively in a first, second, and third level of the hierarchy, the method comprising:

selecting a category in the first display screen of the portable media player;

displaying the subcategories belonging to the selected category in a listing presented in the second display screen;

selecting a subcategory in the second display screen;

displaying the items belonging to the selected subcategory in a listing presented in the third display screen; and

accessing at least one track based on a selection made in one of the display screens.

2. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises selecting a subcategory in the second display screen and playing a plurality of tracks associated with the selected subcategory.

3. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises selecting a subcategory and adding the tracks associated with the selected subcategory to a playlist.

4. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises selecting an item in the third display screen and playing at least one track associated with the selected item.

5. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises selecting an item in the third display screen and adding at least one track associated with the selected item to a playlist.

6. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises one of playing or adding to a playlist at least one track associated with a selected one of the category, subcategory, and item.

7. The method of selecting a track as recited in claim 1 wherein the accessing at least one track is made after the presentation of the third display screen by reverting back to one of the second and first display screens, the second display screen presented sequentially after the third display screen.

8. The method of selecting a track as recited in claim 1 further comprising selecting one of the items displayed in the third display screen and presenting a listing of items associated with the selected item in a fourth sequentially presented display screen.

9. The method of selecting a track as recited in claim 1 wherein the category genre is selected in the first display screen from available categories that include at least artist, album, and genre; and the subcategories listed in the second display screen comprise a listing of at least one genre type and one of the at least one genre type is selected.

10. The method of selecting a track as recited in claim 9 further comprising displaying in the third display screen at least one album associated with the selected genre type and selecting one of the at least one albums displayed in the third display screen and presenting a listing of tracks associated with the selected album in a fourth sequentially presented display screen.

11. The method of selecting a track as recited in claim 1 wherein the category artist is selected in the first display screen from available categories that include at least artist, album, and genre; the subcategories listed in the second display screen comprise a listing of names of artists and a first artist name is selected; and the items displayed in the third display screen comprises at least one album associated with the first artist name.

12. The method of selecting a track as recited in claim 1 wherein the track is a music track, accessing at least one track comprises accessing a track title in the third display screen, and the track is played in response to the access.

13. The method of selecting a track as recited in claim 1 wherein receipt of the selection in the first display screen results in an automatic transition of the first display screen into the second display screen and receipt of the selection in the second display screen results in an automatic transition of the second display screen into the third display screen.

14. The method of selecting a track as recited in claim 1 wherein the category selected in the first display screen is from a top level of the hierarchy.

15. The method of selecting a track as recited in claim 1 wherein the category selected in the first display screen is a category from a level at least one level below the top level of the hierarchy.

16. The method of selecting a track as recited in claim 1 wherein the plurality of categories comprise a list of artist names, the plurality of subcategories comprise a list of album names and the plurality of items comprise a list of track names.

* * * * *

CL 000020

EXHIBIT 2

A 796650

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Name: Charles E. Krueger

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Charles E. Krueger — Name of Person Signing

Signature

April 17, 2001 — Date

Attorney Docket No.: 17002-022500US
Client Reference No.: CT-1139

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, RON GOODMAN, of 226 Jeter Street, Santa Cruz, CA 95060; HOWARD N. EGAN, of 219 Elinor Street, Capitola, CA 95010; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:	AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA
Date(s) of Execution:	
Filing Date:	January 5, 2001
Application No.:	09/755,723; and

WHEREAS, CREATIVE TECHNOLOGY LTD., located at 31 International Business Park, Creative Resource, Singapore, 609921, hereinafter referred to as "ASSIGNEE," is desirous of acquiring ASSIGNORS' interest in the said invention and application and in any U.S. Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said Assignees, and Assignees' successors and assigns, all their right, title and interest in and to the said invention and application, and in and to any Letters Patent which may hereafter be granted on the same in the United States, the said interest to be held and enjoyed by said Assignees as fully and exclusively as it would have been held and enjoyed by said Assignors had this Assignment and transfer not been made, to the full end and term of any Letters Patent which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 3/14/2001

RON GOODMAN

STATE OF CALIFORNIA)
) ss.
COUNTY OF)

On March 14, 2001, before me, Jacqueline W. Bazzano, personally appeared RON GOODMAN, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

JACQUELINE W. BAZZANO
Commission # 1132234
Notary Public — California
Santa Cruz County
My Comm. Expires Apr 2, 2001

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My Commission Expires: 4/2/2001

Dated: 3-22-2001

HOWARD N. EGAN

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) ss.
COUNTY OF)

On March 22, 2001, before me, Jacqueline W Bazzano (Notary Public) personally appeared HOWARD N. EGAN, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

JACQUELINE W. BAZZANO
Commission # 1132234
Notary Public — California
Santa Cruz County
My Comm. Expires Apr 2, 2001

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My Commission Expires: 4/2/2001

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Name of Person Signing: Charles E. Krueger

Signature

Date: 5/10/01

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SF 1219084 v1

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CL 000031

Attorney Docket No.: 17002-022400US

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, ANDREI VELTCHEV, of 1839 Alice Street, Santa Cruz, CA 95062; GIRAULT JONES, of 185 Lake Drive, Boulder Creek, CA 95006; HOWARD N. EGAN, of 219 Elinor Street, Capitola, CA 95010; and DANIEL FREEMAN, of 224 Caledonia Street, Santa Cruz, CA 95062; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: SYSTEM FOR MANAGING POWER IN A PORTABLE MUSIC PLAYER

Date(s) of execution of Declaration:

Filing Date: January 5, 2001

Application No.: 09/755,367; and

WHEREAS, CREATIVE TECHNOLOGY LTD., a corporation of the Republic of Singapore, located at 31 International Business Park, Creative Resource, Singapore, Republic of Singapore 609921, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: April 23, 2001
ANDREI VELTCHEV

Dated: 4-24-2001
GIRAULT JONES

Dated: 4-25-2001
HOWARD N. EGAN

Dated: 4/24/2001
DANIEL FREEMAN

CL 000033

A 796650

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

January 27, 2006

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON July 15, 2004.

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

T. WALLACE
Certifying Officer

CL 000035

07-19-2004

7.15.04

Form PTO-1595 (Rev. 06/04)
OMB No. 0651-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

102793378

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

David Bristow

Execution Date(s) July 7, 2004

Additional name(s) of conveying party(ies) attached? ☐ Yes ☑ No

2. Name and address of receiving party(ies)

Name: Creative Technology Limited

Internal Address:

Street Address: 31 International Business Park

Creative Resource

City:

State:

Country: Singapore Zip: 609921

Additional name(s) & address(es) attached? ☐ Yes ☑ No

3. Nature of conveyance:

☑ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Government Interest Assignment

☐ Executive Order 9424, Confirmatory License

☐ Other

4. Application or patent number(s): ☐ This document is being filed together with a new application.

A. Patent Application No.(s)
09/755,723

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☑ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Creative Labs, Inc.

Internal Address: Corporate Legal Department

Attn: Russell N. Swerdon

Street Address: 1901 McCarthy Boulevard

City: Milpitas

State: CA Zip: 95035

Phone Number: (408) 546-6417

Fax Number: (408) 428-6699

Email Address: russ_swerdon@creativelabs.com

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 1.21(h) & 3.41) $ 40.00

☐ Authorized to be charged by credit card

☐ Authorized to be charged to deposit account

☑ Enclosed

☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers

Expiration Date

b. Deposit Account Number

Authorized User Name

9. Signature:

Russell N. Swerdon 2.1.05

Signature

July 12, 2004

Date

Russell N. Swerdon, Reg. No. 36,943

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

07/16/2004 DBYRNE 00000027 09755723
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700150404

PATENT
REEL: 015640 FRAME: 0748

CL 000036

Attorney Docket No. 6407P212

ASSIGNMENT

In consideration of good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned:

BRISTOW, David, 5988 NE Tolo Road, Bainbridge Island, Washington 98110

hereby sells, assigns, and transfers to Creative Technology Limited, a corporation of Singapore, having a principal place of business at

31 International Business Park, Creative Resource, Singapore 609921, ("Assignee"), and its successors, assigns, and legal representatives, the entire right, title, and interest for the United States and all foreign countries, in and to any and all improvements that are disclosed in the application for the United States patent that has been executed by the undersigned prior hereto or concurrently herewith on the dates indicated below and is entitled AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA filed as Application No. 09/755,723 on January 5, 2001

and in and to said application and all divisional applications, continuation applications, continued prosecution applications, continuation-in-part applications, substitute applications, renewal applications, reissue applications, reexaminations, extensions, and all other patent applications that have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original patents, reissued patents, reexamination certificates, and extensions, that have been or shall be issued in the United States and all foreign countries on said improvements; and in and to all rights of priority resulting from the filing of said United States application;

agree that said Assignee may apply for and receive a patent or patents for said improvements in its own name; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns, and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional applications, continuation applications, continued prosecution applications, continuation-in-part applications, substitute applications, renewal applications, reissue applications, reexaminations, extensions and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney, and other papers; communicate to said Assignee, its successors, assigns, and representatives all facts known to the undersigned relating to said improvements and the history thereof; and generally assist said Assignee, its successors, assigns, or representatives in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements, and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns, and legal representatives; and

covenant with said Assignee, its successors, assigns, and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Attorney Docket No. 6407P212

Each Inventor: Please Sign and Date Below:		Each Inventor: Please also list the date that you signed the accompanying DECLARATION AND POWER OF ATTORNEY:
July 7, 2004 Date	BRISTOW, David	July 7, 2004 Date
July ____, 2004 Date	____	July ____, 2004 Date
July ____, 2004 Date	____	July ____, 2004 Date

Rev. 09/01/2002 (A1)

RECORDED: 07/15/2004

PATENT
REEL: 015640 FRAME: 0750

CL 000038

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EXHIBIT 3

Store | iPod + iTunes | .Mac | QuickTime | Support | Mac OS X
Hot News Switch Hardware Software Made4Mac Education Pro Business Developer Where to Buy

Investor Relations

Stock Info Earnings Releases SEC Filings Financial History Governance FAQ Calendar Contact Us

SEC Filings

10-K

APPLE COMPUTER INC Filed This 10-K On Dec. 01. 2005

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

Form 10-K

(Mark One)

☒ ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended September 24, 2005

or

☐ TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from _____ to _____

Commission file number 0-10030

APPLE COMPUTER, INC.

(Exact name of registrant as specified in its charter)

CALIFORNIA	**942404110**
(State or other jurisdiction of incorporation or organization)	(I.R.S. Employer Identification No.)
1 Infinite Loop Cupertino, California	**95014**
(Address of principal executive offices)	(Zip Code)

Registrant's telephone number, including area code: **(408) 996-1010**

Securities registered pursuant to Section 12(b) of the Act: None

Securities registered pursuant to Section 12(g) of the Act:
Common Stock, no par value
(Titles of classes)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15 (d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes ☒ No ☐

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K

(section 229.405 of this chapter) is not contained herein, and will not be contained, to the best of the registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K. ☒

Indicate by check mark whether the registrant is an accelerated filer (as defined in Rule 12b-2 of the Act). Yes ☒ No ☐

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Act). Yes ☐ No ☒

The aggregate market value of the voting and non-voting stock held by non-affiliates of the registrant, as of March 26, 2005, was approximately $29,434,521,480 based upon the closing price reported for such date on the NASDAQ National Market. For purposes of this disclosure, shares of Common Stock held by persons who hold more than 5% of the outstanding shares of Common Stock and shares held by executive officers and directors of the registrant have been excluded because such persons may be deemed to be affiliates. This determination of executive officer or affiliate status is not necessarily a conclusive determination for other purposes.

842,767,948 shares of Common Stock Issued and Outstanding as of November 18, 2005

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PART I

The Business section and other parts of this Annual Report on Form 10-K ("Form 10-K") contain forward-looking statements that involve risks and uncertainties. Many of the forward-looking statements are located in "Management's Discussion and Analysis of Financial Condition and Results of Operations." Forward-looking statements can also be identified by words such as "anticipates," "expects," "believes," "plans," "predicts," and similar terms. Forward-looking statements are not guarantees of future performance and the Company's actual results may differ significantly from the results discussed in the forward-looking statements. Factors that might cause such differences include, but are not limited to, those discussed in the subsection entitled "Factors That May Affect Future Results and Financial Condition" under Part II, Item 7 of this Form 10-K. The Company assumes no obligation to revise or update any forward-looking statements for any reason, except as required by law.

Item 1. Business

Company Background

Apple Computer, Inc. ("Apple" or the "Company") was incorporated under the laws of the State of California on January 3, 1977. The Company designs, manufactures, and markets personal computers and related software, services, peripherals, and networking solutions. The Company also designs, develops, and markets a line of portable digital music players along with related accessories and services including the online distribution of third-party music, audio books, music videos, short films, and television shows. The Company's products and services include the Macintosh line of desktop and notebook computers, the iPod digital music player, the Xserve G5 server and Xserve RAID storage products, a portfolio of consumer and professional software applications, the Mac OS X operating system, the iTunes Music Store, a portfolio of peripherals that support and enhance the Macintosh and iPod product lines, and a variety of other service and support offerings. The Company sells its products worldwide through its online stores, its own retail stores, its direct sales force, and third-party wholesalers, resellers, and value added resellers. The Company also sells a variety of third-party products that are compatible with the Company's Macintosh and iPod product lines, including computer printers and printing supplies, storage devices, computer memory, digital camcorders and still cameras, personal digital assistants, iPod accessories, and various other computing products and supplies through its online and retail stores. The Company's fiscal year ends on the last Saturday of September. Unless otherwise stated, all information presented in this Form 10-K is based on the Company's fiscal calendar.

Business Strategy

The Company is committed to bringing the best personal computing and music experience to students, educators, creative professionals, businesses, government agencies, and consumers through its innovative hardware, software, peripherals, services, and Internet offerings. The Company's business strategy leverages its unique ability, through the design and development of its own operating system, hardware, and many software applications and technologies, to bring to its customers new products and solutions with superior ease-of-use, seamless integration, and innovative industrial design. The Company believes continual investment in research and development is critical to facilitate innovation of new and improved products and technologies. Besides updates to its existing line of personal computers and related software, services, peripherals, and networking solutions, the Company continues to capitalize on the convergence of digital consumer electronics and the computer by creating innovations like the iPod and iTunes Music Store. The Company's strategy also includes expanding its distribution network to effectively reach more of its targeted customers and provide them a high-quality sales and after-sales support experience.

Digital Hub

The Company believes personal computing is in an era in which the personal computer functions for both professionals and consumers as the digital hub for advanced new digital devices such as the Company's

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iPod digital music players, personal digital assistants, cellular phones, digital camcorders and still cameras, CD and DVD players, televisions, and other consumer electronic devices. The attributes of the personal computer include a high quality user interface, relatively inexpensive data storage, and the ability to run complex applications and easily connect to the Internet. Apple is the only company in the personal computer industry that controls the design and development of the entire personal computer—from the hardware and operating system to sophisticated applications. Additionally, the Company's products provide innovative industrial design, intuitive ease-of-use, and built-in networking, graphics and multimedia capabilities. Thus, the Company is uniquely positioned to offer integrated digital hub products and solutions.

The Company develops products and technologies that adhere to many industry standards in order to provide an optimized user experience through interoperability with peripherals and devices from other companies. The Company has played a role in the development, enhancement, promotion, and/or use of numerous of these industry standards.

Expanded Distribution

The Company believes that a high quality buying experience with knowledgeable salespersons who can convey the value of the Company's products and services is critical to attracting and retaining customers. The Company sells many of its products and resells certain third-party products in most of its major markets directly to consumers, education customers, and businesses through its retail and online stores in the U.S. and internationally. The Company has also invested in programs to enhance reseller sales, including the Apple Sales Consultant Program, which consists of the deployment of Apple employees and contractors to selected third-party reseller locations. The Company believes providing direct contact with its targeted customers is an efficient way to demonstrate the advantages of its Macintosh computer and other products over those of its competitors. The Company has significantly increased the points of distribution for the iPod product family in order to make its products available at locations where its customers shop.

From inception of the retail initiative in 2001 through 2005, the Company had opened 116 retail stores in the U.S. and 8 international stores in Canada, Japan, and the U.K. The Company opened 2 additional stores in October 2005. The Company has typically located its stores at high traffic locations in quality shopping malls and urban shopping districts.

One of the goals of the retail initiative is to bring new customers to the Company and expand its installed base through sales to computer users who currently do not own a Macintosh computer and first time personal computer buyers. By operating its own stores and building them in desirable high traffic locations, the Company is able to better control the customer retail experience and attract new customers. The stores are designed to simplify and enhance the presentation and marketing of personal computing products. To that end, retail store configurations have evolved into various sizes in order to accommodate market demands. The stores employ experienced and knowledgeable personnel who provide product advice and certain hardware support services. The stores offer a wide selection of third-party hardware, software, and various other computing products and supplies selected to complement the Company's own products. Additionally, the stores provide a forum in which the Company is able to present computing solutions to users in areas such as digital photography, digital video, music, children's software, and home and small business computing.

Education

For more than 25 years, the Company has focused on the use of technology in education and has been committed to delivering tools to help educators teach and students learn. The Company believes effective integration of technology into classroom instruction can result in higher levels of student achievement, especially when used to support collaboration, information access, and the expression and representation

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of student thought and ideas. The Company creates solutions that enable new modes of curriculum delivery, better ways of conducting research, and opportunities for professional development of faculty, students, and staff. The Company has designed a range of products and services to help schools maximize their investments in technology. This is manifested in many of the Company's products and services that are designed to meet the needs of education customers. These products and services include the eMac™, iMac™, and the iBook®, video creation and editing solutions, wireless networking, student information systems, high-quality curriculum and professional development solutions, and one-to-one (1:1) learning solutions (primarily in K-12). 1:1 learning solutions typically consist of iBook portable computers for every student and teacher along with a wireless network connected to a central server.

Creative Professionals
Creative professionals constitute one of the Company's most important markets for both hardware and software products. This market is also important to many third-party developers who provide Macintosh-compatible hardware and software solutions. Creative customers utilize the Company's products for a variety of creative activities including digital video and film production and editing; digital video and film special effects, compositing, and titling; digital still photography and workflow management; graphic design, publishing, and print production; music creation and production; audio production and sound design; and web design, development, and administration.

The Company designs its high-end hardware solutions, including servers, desktops, and portable Macintosh systems, to incorporate the power, expandability, and features desired by creative professionals. The Company's operating system, Mac OS X, incorporates powerful graphics and audio technologies and features developer tools to optimize system and application performance when running powerful creative solutions provided by the Company or third-party developers. The Company also offers various software solutions to meet the needs of its creative customers.

Business Organization
The Company manages its business primarily on a geographic basis. The Company's reportable operating segments are comprised of the Americas, Europe, Japan, and Retail. The Americas, Europe, and Japan reportable segments do not include activities related to the Retail segment. The Americas segment includes both North and South America. The Europe segment includes European countries as well as the Middle East and Africa. The Retail segment currently operates Apple-owned retail stores in the U.S., Canada, Japan, and the U.K. Other operating segments include Asia-Pacific, which includes Australia and Asia except for Japan, and the Company's subsidiary, FileMaker, Inc. Each reportable geographic operating segment provides similar hardware and software products and similar services. Further information regarding the Company's operating segments may be found in Part II, Item 7 of this Form 10-K under the heading "Segment Operating Performance," and in Part II, Item 8 of this Form 10-K in the Notes to Consolidated Financial Statements at Note 11, "Segment Information and Geographic Data."

Hardware Products
The Company offers a range of personal computing products including desktop and notebook computers, server and storage products, related devices and peripherals, and various third-party hardware products. The Company's entire line of Macintosh® systems, excluding servers and storage systems, features the Company's Mac OS® X Version 10.4 Tiger™ and iLife® suite of software for digital photography, music, movies, and music creation.

Macintosh® Computers
In June 2005, the Company announced its plan to begin using Intel microprocessors in its Macintosh computers. The Company plans to begin shipping certain models with Intel microprocessors by June 2006

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and to complete the transition of all of its Macintosh computers to Intel microprocessors by the end of calendar year 2007. The Company also announced its new translation technology, Rosetta™, which will allow most PowerPC-based Macintosh applications to run on new Intel-based Macintosh computers. There are potential risks and uncertainties associated with this transition, which are further discussed in Part II, Item 7 of this 10-K under the heading "Factors That May Affect Future Results and Financial Condition."

Power Mac®
The Power Mac line of desktop personal computers is targeted at business and professional users and is designed to meet the speed, expansion, and networking needs of the most demanding Macintosh user. Powered by the PowerPC G5 processor, the Power Mac G5 utilizes 64-bit processing technology for memory expansion up to 16GB and advanced 64-bit computation while also running existing 32-bit applications natively. In October 2005, the Company updated the Power Mac G5 product line, which now comes in three processor configurations—dual 2.0GHz, dual 2.3GHz, and a quad 2.5GHz that features two 2.5GHz dual processors. All Power Mac G5 desktops feature a SuperDrive™ and a NVIDIA GeForce 6600 graphics card. In addition, all Power Mac G5 desktops deliver connectivity and high-performance input/output (I/O), including dual Gigabit Ethernet, FireWire® 800 and FireWire 400 ports, USB 2.0 ports, optical digital I/O, PCI Express expansion, and optional AirPort® Extreme wireless networking and Bluetooth connectivity. The new Power Mac G5 product line also includes Mighty Mouse, the Company's next generation mouse, featuring up to four programmable buttons and a Scroll Ball that lets users scroll vertically, horizontally, and diagonally.

Xserve® and Xserve RAID Storage System
Xserve is a rack-mount server product designed for simple setup and remote management of intensive I/O applications such as digital video, high-resolution digital imagery, and large databases. In January 2005, the Company upgraded Xserve G5, which is now available with either a single 2.0GHz or dual 2.3GHz PowerPC G5 processor. Xserve G5 includes a system controller with up to 16GB of PC3200 error correcting code memory; three hot-plug Serial ATA drive modules that deliver up to 1.5TB of storage; and dual on-board Gigabit Ethernet for high-performance networking. The Company's Xserve RAID storage system was updated in September 2005 to deliver up to 7 terabytes of storage capacity and also expanded support for heterogeneous environments. The dual independent RAID controllers with 512MB cache per controller offer sustained throughput of over 385 Mbps—high enough to support media production environments using protected RAID level 5.

iMac®
The iMac line of desktop computers is targeted at consumer and education markets. In October 2005, the Company introduced the new iMac G5, featuring the PowerPC G5 processor, a built-in iSight™ video camera, and a design that integrates the entire computer into either a 17-inch or 20-inch widescreen LCD flat-panel display. The 17-inch and 20-inch models come with 1.9GHz and 2.1GHz PowerPC G5 Processors, respectively. The iMac G5 offers 512MB of 533MHz DDR2 memory expandable to 2.5GB and 7200 rpm Serial ATA drives expandable up to 500GB. The iMac G5 comes standard with ATI Radeon X600 Pro or XT graphics, video memory, a SuperDrive, built-in Airport Extreme wireless networking, an internal Bluetooth module, built-in stereo speakers and microphone, and Mighty Mouse. The iMac G5 also offers built-in Ethernet (10/100/1000BASE-T), three USB 2.0 and two FireWire 400 ports. The iMac G5 also features Front Row media experience with the Apple Remote, which allows users to play music and view photos and videos via a remote control.

eMac™
The eMac, a desktop personal computer targeted at the Company's education customers, features a PowerPC G4 processor, a high resolution 17-inch flat cathode ray tube display, and preserves the all-in-one

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compact design of the original iMac. The eMac offers PowerPC G4 processors running at up to 1.42GHz, 333MHz DDR memory, an optional SuperDrive, built-in modem and Ethernet (10/100BASE-T), ATI Radeon graphics, AirPort Extreme-ready, and USB 2.0 and 1.1 ports for connectivity to peripherals.

Mac® mini
In January 2005, the Company introduced Mac mini, a desktop personal computer with a starting price of $499 and weighing as little as 2.9 pounds. In July 2005, the Company updated its Mac mini lineup, expanding to three models and increasing memory to 512MB. The first model includes a 1.25GHz PowerPC G4 processor, a 40GB hard drive, and a Combo drive. The second model includes a 1.42GHz PowerPC G4 processor, an 80GB hard drive, and a Combo drive. The third model includes a 1.42GHz PowerPC G4 processor, an 80GB hard drive, and a SuperDrive. All models include ATI Radeon 9200 graphics with 32MB of dedicated DDR memory, built-in Ethernet (10/100 BASE-T), one FireWire 400 and two USB 2.0 ports, and a DVI interface that also supports VGA so consumers can connect to LCD or CRT displays. The 1.42GHz models of the Mac mini also include built-in AirPort Extreme for 54 Mbps 802.11g wireless networking along with an internal Bluetooth module.

PowerBook®
The PowerBook family of portable computers is designed to meet the mobile computing needs of professionals and advanced consumer users. In October 2005, the Company updated its PowerBook G4 notebooks with extended battery life as well as higher resolution displays, including 1440 by 960 pixels in the 15-inch model and 1680 by 1050 pixels in the 17-inch model. Both the 15-inch and 17-inch PowerBook G4 offer a 1.67GHz PowerPC G4 processor and the ATI Mobility Radeon 9700 graphics processor. The 12-inch PowerBook G4 features a 1.5GHz PowerPC processor, and the NVIDIA GeForce FX Go5200 graphics processor. Every PowerBook G4 notebook comes with a SuperDrive, 512MB of DDR memory, built-in AirPort Extreme wireless networking, an internal Bluetooth module for wireless connectivity, as well as a full complement of I/O ports including FireWire 400, USB 2.0, and a built-in 56K V.92 modem and Ethernet (10/100BASE-T), for connectivity to a wide range of peripherals. The 15-inch and 17-inch PowerBook G4 models also include built-in Gigabit Ethernet and FireWire 800.

iBook®
The iBook is designed to meet the portable computing needs of education and consumer users. In July 2005, the Company upgraded its iBook® G4 line to include faster PowerPC G4 processors running up to 1.42GHz, built-in AirPort Extreme 54 Mpbs 802.11g wireless networking and an available slot-load SuperDrive. The 12-inch model features a 1.33GHz PowerPC G4 processor and a slot-load Combo drive, while the 14-inch model includes a 1.42GHz G4 processor and a SuperDrive. All iBook G4 models offer a full complement of I/O ports including FireWire 400, USB 2.0, a built-in 56K V.92 modem and Ethernet (10/100BASE-T), as well as a built-in internal wireless Bluetooth module, for connectivity to a wide range of peripherals.

Music Products and Services
The Company offers its iPod® line of digital music players and related accessories to Macintosh and Windows users. The Company also provides an online service to distribute third-party music, audio books, music videos, short films, and television shows through its iTunes Music Store®.

iPod®
The iPod is the Company's portable digital music player, featuring the Company's patent pending Click Wheel, which combines a touch-sensitive wheel with five push buttons for one-handed navigation. In October 2005, the Company introduced the new iPod containing a 2.5-inch color screen that can display album artwork and photos and play video including music videos, video podcasts, home movies, short films, and television shows. The iPod lineup includes a 30GB model holding up to 7,500 songs, 25,000 photos, or

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75 hours of video, and a 60GB model holding up to 15,000 songs, 25,000 photos, or 150 hours of video. The iPod features the Company's patent pending Auto-Sync technology that automatically downloads digital music, podcasts, photos, audio books, home movies, music videos, short films, and television shows onto the iPod and keeps it up-to-date whenever it is plugged into a Macintosh or Windows computer using USB. The iPod also features Shuffle Songs, which randomly plays songs in a selected playlist or across the entire library. All iPods work with the Company's iTunes® digital music management software on either a Macintosh or Windows computer.

The iPod's functionality extends beyond playing music, listening to audio books, and watching music videos, short films, home movies, and television shows. Other key capabilities include data storage, calendar and contact information utility, and a selection of games. With the addition of third-party iPod peripherals, the capabilities of certain iPods can be enhanced to include photo downloading directly from certain digital cameras. The Company has also entered into alliances with many automobile manufacturers to offer seamless integration of the iPod in certain automobiles. Along with the iPod, the Company has developed the iTunes software and the iTunes Music Store, a service that consumers may use to purchase third-party music, audio books, music videos, short films, and television shows over the Internet.

iPod® nano
In September 2005, the Company introduced iPod nano, a flash-memory based digital music player. The iPod nano is available in either a 2GB model holding up to 500 songs or 25,000 photos, or a 4GB model holding up to 1,000 songs or 25,000 photos. The iPod nano, which weighs as little as 1.5 ounces and is .27 inches thin, features a color screen and the Company's patent pending Click Wheel.

iPod® shuffle
In January 2005, the Company introduced iPod shuffle, a flash-memory based digital music player, which is based on iPod's shuffle feature that randomly selects songs from the user's music library or playlists. iPod shuffle works with iTunes and its patent-pending AutoFill feature that automatically selects songs to fill iPod shuffle from a user's music library on their computer. iPod shuffle can also be used as a portable USB flash drive with up to 1GB of storage space. It is available in a 512MB model holding up to 120 songs and a 1GB model holding up to 240 songs.

iTunes Music Store®
The Company's iTunes Music Store, available for both Windows-based and Macintosh computers, is a service that allows customers to find, purchase, and download third-party digital music, audio books, music videos, short films, and television shows. The iTunes Music Store also offers Podcast Directory that allows users to search for and download audio programs to their computer and automatically receive new episodes over the Internet. Users can search the contents of the store catalog to locate works by title, artist, or album, or browse the entire contents of the store by genre and artist. Users can also listen to a free 30-second preview of content available through the store. The iTunes Music Store was originally introduced in the U.S. in April 2003 and now serves customers in 21 countries.

The iTunes Music Store is fully integrated directly into the iTunes software allowing customers to preview, purchase, download, organize, share, and transfer digital content to an iPod using a single software application. Further discussion on the iTunes software may be found below under the heading "Software Products and Computer Technologies." The iTunes Music Store offers customers a broad range of personal rights to the third-party content they have purchased. Content purchased through the store may also be used in certain applications such as iPhoto®, iMovie®, and iDVD®. Additional features of the iTunes Music Store include gift certificates that can be sent via e-mail; prepaid gift cards; an "allowance" feature that enables users to automatically deposit funds into an iTunes Music Store account every month; online gift options that let customers give specific songs, albums, music videos, or their own playlists to anyone with an email address; parental controls; and album reviews.

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Peripheral Products
The Company sells various Apple-branded computer hardware peripherals, including iSight™ digital video cameras and a range of high quality flat panel TFT active-matrix digital color displays. The Company also sells a variety of third-party Macintosh compatible hardware products directly to end users through both its retail and online stores, including computer printers and printing supplies, storage devices, computer memory, digital video and still cameras, personal digital assistants, and various other computing products and supplies.

iSight™
The Company's iSight digital video camera enables video conferencing over broadband connections. iSight is a small, portable aluminum alloy camera with all audio, video, and power provided by a single FireWire cable. iSight is designed to be center-mounted on the top of a computer screen and uses its integrated tilt and rotate mechanism to easily position the camera for natural, face-to-face video conferencing. iSight features an auto focusing auto exposure F/2.8 lens that captures high-quality pictures and full-motion video. With its on-board processor, iSight automatically adjusts color, white balance, sharpness and contrast to provide high-quality images with accurate color reproduction in most lighting conditions. iSight also includes a dual-element microphone that suppresses ambient noise for clear digital audio.

Displays
The Company offers a family of widescreen flat panel displays featuring the 30-inch Apple Cinema HD Display™, a widescreen active-matrix LCD with 2560-by-1600 pixel resolution, a 23-inch widescreen Apple Cinema Display with 1920-by-1200 pixel resolution and a 20-inch widescreen Apple Cinema Display® with 1680-by-1050 pixel resolution. The displays feature dual FireWire and dual USB 2.0 ports built into the display and use the industry standard DVI interface for a pure digital connection with the Company's latest Power Mac and PowerBook systems. The Cinema Displays feature an aluminum design with a very thin bezel, suspended by an aluminum stand that allows viewing angle adjustment.

Software Products and Computer Technologies
The Company offers a range of software products for education, creative, consumer and business customers, including Mac OS X, the Company's proprietary operating system software for the Macintosh; server software and related solutions; professional application software; and consumer, education and business oriented application software.

Operating System Software
In April 2005, the Company began shipping Mac OS X Tiger, the Company's fifth major version of Mac OS X. Tiger incorporates more than 200 new features and innovations including Spotlight™, a desktop search technology that lets users find items stored on their Macintosh computers, including documents, emails, contacts and images; and Dashboard, a new way to instantly access information such as weather forecasts and stock quotes, using a new class of mini-applications called widgets. The server version of the Mac OS operating system, Mac OS X Server version 10.4, also began shipping in April 2005.

Server Software and Server Solutions
Apple Remote Desktop™ 2 is the second generation of the Company's asset management, software distribution, and help desk support software. Apple Remote Desktop 2 includes more than 50 features for centrally managing Mac OS X systems. Apple Remote Desktop 2 can perform a wide range of desktop management tasks such as installing operating system and application software, running hardware and software inventory reports, and executing commands on one or more remote Mac OS X systems on the network. Remote software installation tools allow IT professionals to install single or multiple software packages immediately or at specific dates and times. Comprehensive hardware and software reports based on more than 200 system information attributes allow administrators to keep track of their Mac OS X

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systems. In addition, built-in real-time screen sharing enables help desk professionals to provide online assistance by observing and controlling the desktops of any remote Macintosh or Virtual Network Computing-enabled computer, including Windows and Linux systems.

Xsan®, the Company's enterprise-class Storage Area Network (SAN) file system, began shipping in January 2005. Xsan is a 64-bit cluster file system for Mac OS X that enables organizations to consolidate storage resources and provide multiple computers with concurrent file-level read/write access to shared volumes over Fibre Channel. Advanced features such as metadata controller failover and Fibre Channel multipathing ensure high availability; file-level locking allows multiple systems to read and write concurrently to the same volume which is ideal for complex workflows; bandwidth reservation provides for effective ingestion of bandwidth-intensive data streams, such as high resolution video; and flexible volume management results in more efficient use of storage resources. Since Xsan is interoperable with ADIC's StorNext File System, it can be used in heterogeneous environments that include Windows, UNIX, and Linux server operating system platforms.

Professional Application Software

In April 2005, the Company announced Final Cut Studio™, a High Definition (HD) video production suite that features Final Cut Pro® 5, the Company's editing software for Digital Video (DV), Standard Definition (SD), HD, and film. Final Cut Studio also includes tools that complement Final Cut Pro 5 such as Soundtrack® Pro, a new application that gives audio and video professionals a way to create, control and repair audio; Motion 2, an application that allows real-time motion graphics design; and DVD Studio Pro® 4, DVD authoring software that burns DVDs, including high definition DVDs to the latest HD DVD specification. These components of Final Cut Studio are also sold separately.

Final Cut Pro® 5, the latest version of the Company's video editing software, which began shipping in April 2005, includes editing tools that work with most formats, from DV and native High Definition Video (HDV) to fully uncompressed HD. Final Cut Pro 5 acquires HDV media via FireWire and keeps it in the original format, transferring it into the system without any generation loss. With a real-time multi-stream effects architecture, multicam editing tools, and advanced color correction, Final Cut Pro 5 enables users to view and cut from multiple sources in real time, group up to 128 sources together into multi-clips, then add or subtract cameras at any time. Final Cut Pro 5 allows users to use external audio control surfaces to mix and record multiple fader automations simultaneously.

Soundtrack® Pro is a new audio editing and sound design application that gives audio and video professionals a way to create, control, and repair audio. Soundtrack Pro features a waveform editor with flexible Action Layers that allow users to re-order, bypass, or change any edit, effect, or process. Find-and-Fix features identify and repair common audio problems such as background noise, pops, clicks, and hum. An integrated multitrack mixer allows editors to apply common effects to multiple tracks and group common tracks using busses. Soundtrack Pro also features over 50 professional plug-ins for creating sounds, over 5,000 loops, an integrated mixer, and integration with Final Cut Studio.

Motion 2 is a real-time motion graphics software that enables Final Cut Pro editors to add motion graphics to their projects. Motion 2 features interactive animation of text and graphics for DVD motion menus, video or film in real time, and quick output rendering by built-in GPU acceleration at 8-bit, 16-bit, or 32-bit float film quality. With Motion 2's new design tool, Replicator, users can automatically generate and animate multiple copies of a graphic, shape, or movie.

DVD Studio Pro® 4 is the latest version of the Company's professional DVD authoring application. With DVD Studio Pro 4 and its integrated, scalable H.264 encoding, users can author SD or HD DVDs. DVD Studio Pro 4 allows users to preview HD content in real time with a second Digital Cinema Desktop and audition surround sound using S/PDIF (digital audio) out to an external DTS or Dolby Digital (AC-3) decoder. Its interactive graphical view also enables users to edit/display menus, tracks, slideshows, scripts,

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and stories of a DVD project in a storyboard layout. DVD Studio Pro 4 includes Compressor 2, a full-featured video and audio compression application. Compressor gives users control over encoding, including the ability to encode several clips in one batch operation to a wide variety of formats and perform advanced format conversions at the same time.

In April 2005, the Company announced Shake® 4, an upgrade to the Company's compositing software, which began shipping in June 2005. Used to create visual effects for film and television, Shake 4 features 3D multi-plane compositing, optical flow image processing and integration with Final Cut Pro 5. Users can composite live action and 3D CGI layers with added realism using OpenGL accelerated 3D multi-plane compositing node. Other features include advanced optical flow technology that uses pixel-by-pixel image analysis to create smooth retiming and automatic stabilization. Shake 4 also integrates Truelight monitor calibration to maintain color consistency between the computer screen and the final look on film.

Logic® Pro 7 is used by musicians around the world and by professionals in music production and film scoring. It combines digital music composition, notation, and audio production facilities in one comprehensive product and includes software instruments such as Sculpture, a component-modeling based synthesizer; UltraBeat™, a drum synthesizer with built-in step sequencer; and digital signal processing (DSP) plug-ins including Guitar Amp Pro, a full-featured guitar amplifier simulator. Along with workflow enhancements, mastering plug-ins, and support for Apple Loops, Logic Pro 7 adds distributed audio processing, a technology that allows professionals to utilize multiple Macintosh systems to expand available DSP power via an Ethernet network.

In October 2005, the Company announced Aperture™, began shipping in November 2005. Aperture is an application designed to provide professional photographers with post-production tools to manage, edit, and publish digital pictures. Features include compare and select tools, nondestructive image processing, color managed printing, and custom web and book publishing. Compare and select tools in Aperture allow photographers to sift through photo projects and identify their final selections. RAW images are maintained natively throughout Aperture without any intermediate conversion process, and can be retouched using a suite of adjustment tools designed especially for photographers. Print options include customizable contact sheets, high-quality local printing, and color-managed online prints. Aperture also provides a layout environment where photographers can create and order custom books and publish web galleries.

Consumer, Education and Business Oriented Application Software
iLife® '05
In January 2005, the Company introduced iLife '05, an upgrade to its digital lifestyle suite, which features iPhoto®, iMovie®, iDVD®, GarageBand™, and iTunes®.

iPhoto® 5 is the Company's consumer-oriented digital photo software application. iPhoto 5 includes advanced editing tools, adds support for uncompressed RAW photos, and includes a slideshow builder allowing users to apply effects, transitions and durations to each individual slide. iPhoto 5 allows users to create and order hardcover and softcover photo books using a variety of book layouts with double-sided printing, directly within the application.

iMovie® HD, a consumer-oriented digital video editing software application, enables users to import HDV from HDV camcorders and edit digital videos on their Macintosh computers. iMovie HD also includes Magic iMovie, which automatically imports video into separate clips and adds titles, transitions and music. iMovie HD imports video from HDV and standard DV camcorders, and from video cameras that generate MPEG-4 video.

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iDVD® is a consumer-oriented software application that enables users to turn iMovie files, QuickTime® files, and digital pictures into DVDs that can be played on most consumer DVD players. iDVD 5 includes 15 new themes featuring moving drop zones that can display video clips or photos in motion across DVD menus. iDVD 5 also features OneStep DVD, which automatically creates a DVD from footage directly from a user's camcorder. With a compatible SuperDrive™, iDVD 5 supports all recordable single-layer and double-layer DVD format standards.

GarageBand™ is a consumer-oriented music creation software application. GarageBand 2 adds 8-track recording so that users can record multiple digital audio tracks at once. GarageBand 2 can improve out-of-tune notes and timing in both vocal and real-instrument recordings. GarageBand 2 displays and edits musical notation in real time for software instrument tracks for people who know how to read and write music or want to learn. With GarageBand Jam Packs, including the latest, Jam Pack 4: Symphony Orchestra, GarageBand users can create music in their favorite genres.

iLife '05 also includes iTunes, the Company's digital music jukebox software application that allows users to purchase a variety of digital content available through the Company's iTunes Music Store. iTunes organizes content using searching, browsing, and playlists, and also includes features such as iMix playlist sharing and provides integration with the complete family of iPods. In October 2005, the Company introduced iTunes 6, the latest version of its iTunes software. iTunes 6 allows users to purchase and download music videos, short films, and television shows from the iTunes Music Store, watch them on their computers, and Auto-Sync them onto their iPod.

In September 2005, the Company, Motorola Inc., and Cingular Wireless LLC announced the availability of a mobile phone with iTunes software (Motorola ROKR), enabling users to transfer up to 100 songs from the iTunes library on their Macintosh or Windows-based computers to their Motorola ROKR mobile phones.

iWork™ '05

In January 2005, the Company introduced iWork '05, productivity software designed to take advantage of both Mac OS X and iLife '05 to help users create, present, and publish documents and presentations. iWork '05 introduced Pages™, a word processor, and also features Keynote™ 2, an updated version of the Company's presentation software.

Pages™ gives users the tools to create letters, newsletters, reports, brochures and resumes with advanced typography, multiple columns, footnotes, tables of content and styles. With features like dynamic text wrapping and alignment guides, Pages lets users create free-form arrangements of text, graphics, photos, tables, and charts. An integrated iLife media browser lets users drag and drop photos from the iPhoto library directly into documents.

Keynote™ 2 is the Company's presentation software that gives users the ability to create presentations, portfolios, interactive slideshows, and storyboards. Keynote 2 contains slide animations to synchronize the movement of multiple objects and cinematic real-time animated text. The iLife media browser within Keynote allows users to insert photos, movies, and music directly into presentations, and with image masking, users can frame the exact part of the photo they want to display. Keynote 2 can also work with a second monitor to display upcoming slides, notes, and a timer.

In January 2005, the Company announced Final Cut® Express HD, an update to Final Cut Express, which began shipping in February 2005. Final Cut Express HD enables users to capture, edit, and output HDV over a single FireWire cable, and supports Digital Cinema Desktop with multiple displays. Final Cut Express HD features sound editing tools including 99 audio tracks, real-time volume and audio filter adjustment, a voice-over tool, and Soundtrack music creation software that allows users to compose musical scores for their videos. Final Cut Express HD includes LiveType™, which can add HD-quality

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animated text and motion graphics to videos. In addition, iMovie projects can be imported directly into Final Cut Express HD with all of their effects, transitions, and audio levels intact.

Logic® Express 7 is a streamlined version of Logic Pro 7 that provides a basic set of professional tools to compose and produce music for students, educators, and advanced hobbyists. Its high-resolution audio of up to 24-bit/96kHz, the adaptive self-configuring track mixer, and 32-bit floating-point math provide professional sound quality. Logic Express 7 comes with support for projects from GarageBand offering users a smooth migration path to high-end audio production.

FileMaker, Inc., a wholly owned subsidiary of the Company, develops, publishes, and distributes desktop-based database management application software for either a Macintosh or Windows-based computer. The FileMaker® Pro database software and related products offer relational databases and desktop-to-web publishing capabilities. FileMaker Pro 8, the newest version of the desktop database introduced in August 2005, features new ways to share and manage information of various types. FileMaker Pro 8 allows users to convert graphic-rich reports of their data into alternative file formats, which can be emailed for sharing with non-FileMaker users.

Internet Software and Services
The Company is focused on delivering seamless integration with and access to the Internet throughout the Company's products and services. The Company's Internet solutions adhere to many industry standards in order to provide an optimized user experience through interoperability.

Safari™
Safari, the Company's Mac OS X compatible web browser, uses the advanced interface technologies underlying Mac OS X and includes built-in Google search; SnapBack™ to instantly return to search results; a way to name, organize and present bookmarks; tabbed browsing; and automatic "pop-up" ad blocking.

QuickTime®
QuickTime, the Company's multimedia software for Macintosh or Windows-based computers, features streaming of live and stored video and audio over the Internet and playback of high-quality audio and video on computers. QuickTime 7 features a new video codec called H.264, which delivers high video quality at low data rates. QuickTime 7 automatically determines a user's connection speed to ensure they are getting the highest-quality content stream possible. QuickTime 7 also delivers multi-channel audio and supports audio formats, including AIFF, WAV, MOV, MP4 (AAC only), CAF, and AAC/ADTS.

The Company offers several other QuickTime products. QuickTime 7 Pro, a suite of software tools, allows creation and editing of Internet-ready audio and video files. QuickTime 7 Pro allows users to create H.264 video, capture audio and video, create multi-channel audio, and export multiple files while playing back or editing video. QuickTime Streaming Server facilitates the broadcasting of streaming digital video. QuickTime Broadcaster allows users to produce professional-quality live events for online delivery.

.Mac™
The Company's .Mac offering is a suite of Internet services that for an annual fee provides Macintosh users with a powerful set of Internet tools. .Mac services include: HomePage, for personal web sites; iDisk, a virtual hard drive accessible anywhere with Internet access; .Mac Sync, which keeps Safari bookmarks, iCal® calendars, Address Book information, Keychain® (passwords), and Mac OS X Mail preferences up-to-date across multiple Macintosh computers and available via web browser when users are away from their Mac; .Mac Mail, an ad-free email service; and Learning Center, featuring tutorials for certain software applications. The current version of .Mac includes .Mac Groups, a service that helps members communicate, coordinate schedules, and stay in sync with private groups of friends or colleagues; an

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updated version of .Mac Backup software that allows members to archive the content of their iLife Home folder; and a four-fold increase in combined iDisk and email storage to 1GB for individuals and 2GB for families.

Wireless Connectivity and Networking

AirPort Extreme®
AirPort Extreme is the Company's next generation Wi-Fi wireless networking technology. AirPort Extreme is based on the 802.11g standard, which supports speeds up to 54 Mbps, and is fully compatible with most Wi-Fi devices that use the 802.11b standard. AirPort Extreme Base Stations can serve up to 50 Macintosh and Windows users simultaneously, provide wireless bridging to extend the range beyond just one base station, and support USB printer sharing to allow multiple users to wirelessly share USB printers connected directly to the base station.

AirPort® Express
AirPort® Express is the first 802.11g mobile base station that can be plugged directly into the wall for wireless Internet connections and USB printing. Airport Express also features analog and digital audio outputs that can be connected to a stereo and AirTunes™ music networking software which works with iTunes, giving users a way to wirelessly stream iTunes music from their Macintosh or Windows-based computer to any room in the house. AirPort Express features a single piece design weighing 6.7 ounces.

Other Connectivity and Networking Solutions
Mac OS X includes capabilities for Bluetooth technology. Bluetooth is an industry standard for wirelessly connecting computers and peripherals that supports transmission of data at up to 3 Mbps within a range of approximately 30 feet. The Company's Bluetooth technology for Mac OS X lets customers wirelessly share files between Macintosh systems, synchronize and share contact information with Palm-OS based PDAs, and access the Internet through Bluetooth-enabled cell phones. A Bluetooth USB adaptor can Bluetooth-enable any USB-based Macintosh computer running in Mac OS X version 10.1.4 or higher.

Bonjour™, the Company's zero configuration networking technology, is based on open Internet Engineering Task Force (IETF) Standard Protocols such as IP, ARP, and DNS and is built into Mac OS X. This technology uses industry standard networking protocols and zero configuration technology including Ethernet or 802.11-based wireless networks like the Company's AirPort products. The source code for this technology also includes software to support UNIX, Linux, and Windows-based systems and devices.

The Company developed FireWire technology, also referred to as IEEE 1394, which is a high-speed serial I/O technology for connecting digital devices such as digital camcorders and cameras to desktop and portable computers. With its high data-transfer speed and "hot plug-and-play" capability, FireWire has become an established cross-platform industry standard for both consumers and professionals. FireWire is currently integrated in all Macintosh systems.

Product Support and Services
AppleCare® offers a range of support options for the Company's customers. These options include assistance that is built into software products, printed and electronic product manuals, online support including comprehensive product information as well as technical assistance, and the AppleCare Protection Plan. The AppleCare Protection Plan is a fee-based service that typically includes three years of phone support and hardware repairs, dedicated web-based support resources, and user diagnostic tools.

Markets and Distribution
The Company's customers are primarily in the education, creative, consumer, and business markets. The Company distributes its products through wholesalers, resellers, national and regional retailers and

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cataloguers. No individual customer accounted for more than 10% of net sales in 2005, 2004, or 2003. The Company also sells many of its products and resells certain third-party products in most of its major markets directly to consumers, education customers, and businesses through its retail and online stores in the U.S. and internationally. Over 12% of the Company's net sales in 2005 were through its U.S. education channel, including sales to elementary and secondary schools, higher education institutions, and individual customers.

Competition

The Company is confronted by aggressive competition in all areas of its business. The market for personal computers and related software and peripheral products is highly competitive. This market continues to be characterized by rapid technological advances in both hardware and software that have substantially increased the capabilities and use of personal computers and have resulted in the frequent introduction of new products with competitive price, feature, and performance characteristics. Over the past several years, price competition in the market for personal computers has been particularly intense. The Company's competitors who sell personal computers based on other operating systems have aggressively cut prices and lowered their product margins to gain or maintain market share. The Company's results of operations and financial condition can be adversely affected by these and other industry-wide downward pressures on gross margins.

The principal competitive factors in the market for personal computers include price, relative price/performance, product quality and reliability, design innovation, availability of software, product features, marketing and distribution capability, service and support, availability of hardware peripherals, and corporate reputation. Further, as the personal computer industry and its customers place more reliance on the Internet, an increasing number of Internet devices that are smaller, simpler, and less expensive than traditional personal computers may compete for market share with the Company's existing products.

The Company is currently taking and will continue to take steps to respond to the competitive pressures being placed on its personal computer sales as a result of innovations from competing platforms. The Company's future operating results and financial condition are substantially dependent on its ability to continue to develop improvements to the Macintosh platform in order to maintain perceived functional and design advantages over competing platforms.

The Company's services and products relating to music and other creative content have already encouraged significant competition from other companies, many of whom have greater financial, marketing, and manufacturing resources than those of the Company. The Company faces increasing competition from other companies promoting their own digital music products and distribution services, subscription services, and free peer-to-peer music services. The Company anticipates that competition will intensify as hardware, software, and content providers work more collaboratively to offer integrated products competing with the Company's offerings. However, the Company believes it currently maintains a competitive advantage by more effectively integrating an entire solution, including the hardware (iPod), software (iTunes), and distribution of third-party digital content (iTunes Music Store).

Raw Materials

Although most components essential to the Company's business are generally available from multiple sources, certain key components (including microprocessors and application-specific integrated circuits ("ASICs")) are currently obtained by the Company from single or limited sources. Some other key components, while currently available to the Company from multiple sources, are at times subject to industry-wide availability constraints and pricing pressures. In addition, the Company uses some components that are not common to the rest of the personal computer and consumer electronics industries, and new products introduced by the Company often initially utilize custom components

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obtained from only one source until the Company has evaluated whether there is a need for, and subsequently qualifies, additional suppliers. If the supply of a key or single-sourced component to the Company were to be delayed or curtailed or in the event a key manufacturing vendor delays shipments of completed products to the Company, the Company's ability to ship related products in desired quantities and in a timely manner could be adversely affected. The Company did experience such delays during 2004 and 2005 related to PowerPC G5 processors, which resulted in the constrained availability of certain products. The Company's business and financial performance could also be adversely affected depending on the time required to obtain sufficient quantities from the original source, or to identify and obtain sufficient quantities from an alternative source. Continued availability of these components may be affected if producers were to decide to concentrate on the production of common components instead of components customized to meet the Company's requirements. In June 2005, the Company announced its intention to transition its Macintosh computers using the PowerPC G5 and G4 microprocessors, which are currently single-sourced, to Intel microprocessors by the end of calendar year 2007. The announcement of this transition may impact the continued availability on acceptable terms of certain components and services, including PowerPC G5 and G4 microprocessors. The Company attempts to mitigate these potential risks by working closely with these and other key suppliers on product introduction plans, strategic inventories, coordinated product introductions, and internal and external manufacturing schedules and levels. Consistent with industry practice, the Company acquires components through a combination of formal purchase orders, supplier contracts, and open orders based on projected demand information. The Company's purchase commitments typically cover its requirements for periods ranging from 30 to 150 days.

The Company believes there are several component suppliers and manufacturing vendors whose loss to the Company could have a material adverse effect upon the Company's business and financial position. At this time, such vendors include Agere Systems, Inc., Ambit Microsystems Corporation, ASUSTeK Corporation, ATI Technologies, Inc., Broadcom Corporation, Cypress Semiconductor Corporation, Freescale Semiconductor, Inc., Hitachi Global Storage Technologies, Hon Hai Precision Industry Co., Ltd., IBM Corporation, Intel Corporation, International Display Technology, Inventec Appliances Corporation, LG. Phillips Co., Ltd., Matsushita, Mitsubishi Electric Corporation, NVIDIA Corp., PortalPlayer, Inc., Quanta Computer, Inc., Samsung Electronics, Synaptics, Inc., and Toshiba Corporation.

Research and Development

Because the personal computer and consumer electronics industries are characterized by rapid technological advances, the Company's ability to compete successfully is heavily dependent upon its ability to ensure a continuing and timely flow of competitive products and technology to the marketplace. The Company continues to develop new products and technologies and to enhance existing products in the areas of hardware and peripherals, consumer electronic products, system software, applications software, networking and communications software and solutions, and the Internet. The Company may expand the range of its product offerings and intellectual property through licensing and/or acquisition of third-party business and technology. The Company's research and development expenditures totaled $534 million, $489 million, and $471 million in 2005, 2004, and 2003, respectively.

Patents, Trademarks, Copyrights and Licenses

The Company currently holds rights to patents and copyrights relating to certain aspects of its computer systems, iPods, peripherals and software. In addition, the Company has registered, and/or has applied to register, trademarks and service marks in the U.S. and a number of foreign countries for "Apple," the Apple logo, "Macintosh," "iPod," "iTunes," "iTunes Music Store," and numerous other trademarks and service marks. Although the Company believes the ownership of such patents, copyrights, trademarks and service marks is an important factor in its business and that its success does depend in part on the

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ownership thereof, the Company relies primarily on the innovative skills, technical competence, and marketing abilities of its personnel.

Many of the Company's products are designed to include intellectual property obtained from third-parties. While it may be necessary in the future to seek or renew licenses relating to various aspects of its products and business methods, the Company believes that, based upon past experience and industry practice, such licenses generally could be obtained on commercially reasonable terms; however, there is no guarantee that such licenses could be obtained at all. Because of technological changes in the computer industry, current extensive patent coverage, and the rapid rate of issuance of new patents, it is possible certain components of the Company's products and business methods may unknowingly infringe existing patents of others. From time to time, the Company has been notified that it may be infringing certain patents or other intellectual property rights of third-parties.

Foreign and Domestic Operations and Geographic Data
The U.S. represents the Company's largest geographic marketplace. Approximately 60% of the Company's net sales in 2005 came from sales to customers inside the U.S. Final assembly of products sold by the Company is conducted in the Company's manufacturing facility in Cork, Ireland, and by external vendors in Fremont, California, Fullerton, California, Taiwan, Korea, the People's Republic of China, and the Czech Republic. Currently, manufacture of many of the components used in the Company's products and final assembly of substantially all of the Company's portable products including PowerBooks, iBooks, and iPods are performed by third-party vendors in China. Margins on sales of the Company's products in foreign countries, and on sales of products that include components obtained from foreign suppliers, can be adversely affected by foreign currency exchange rate fluctuations and by international trade regulations, including tariffs and antidumping penalties.

Information regarding financial data by geographic segment is set forth in Part II, Item 8 of this Form 10-K in the Notes to Consolidated Financial Statements at Note 11, "Segment Information and Geographic Data."

Seasonal Business
The Company has historically experienced increased net sales in its first and fourth fiscal quarters compared to other quarters in its fiscal year due to seasonal demand related to the holiday season and the beginning of the school year. This historical pattern should not be considered a reliable indicator of the Company's future net sales or financial performance.

Warranty
The Company offers a basic limited parts and labor warranty on its hardware products. The basic warranty period for hardware products is typically one year from the date of purchase by the end-user. The Company also offers a 90-day basic warranty for its service parts used to repair the Company's hardware products. In addition, consumers may purchase extended service coverage on most of the Company's hardware products in all of its major markets.

Backlog
In the Company's experience, the actual amount of product backlog at any particular time is not a meaningful indication of its future business prospects. In particular, backlog often increases in anticipation of or immediately following new product introductions because of over-ordering by dealers anticipating shortages. Backlog often is reduced once dealers and customers believe they can obtain sufficient supply. Because of the foregoing, backlog should not be considered a reliable indicator of the Company's ability to achieve any particular level of revenue or financial performance.

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Environmental Laws
Compliance with federal, state, local, and foreign laws enacted for the protection of the environment has to date had no material effect on the Company's capital expenditures, earnings, or competitive position. In the future, these laws could have a material adverse effect on the Company.

Production and marketing of products in certain states and countries may subject the Company to environmental and other regulations including, in some instances, the requirement that the Company provide consumers with the ability to return to the Company product at the end of its useful life, and place responsibility for environmentally safe disposal or recycling with the Company. Such laws and regulations have recently been passed in several jurisdictions in which the Company operates, including various European Union member states, Japan, and California. In the future, these laws could have a material adverse effect on the Company.

Employees
As of September 24, 2005, the Company had approximately 14,800 full-time equivalent employees and an additional 2,020 temporary employees and contractors.

Available Information
The Company's Annual Report on Form 10-K, Quarterly Reports on Form 10-Q, Current Reports on Form 8-K, and amendments to reports filed pursuant to Sections 13(a) and 15(d) of the Securities Exchange Act of 1934, as amended, are available on its website at http://www.apple.com/investor when such reports are available on the U.S. Securities and Exchange Commission (SEC) website. The public may read and copy any materials filed by the Company with the SEC at the SEC's Public Reference Room at 100 F Street, NE, Room 1580, Washington, DC 20549. The public may obtain information on the operation of the Public Reference Room by calling the SEC at 1-800-SEC-0330. The SEC maintains an Internet site that contains reports, proxy and information statements and other information regarding issuers that file electronically with the SEC at http://www.sec.gov. The contents of these websites are not incorporated into this filing. Further, the Company's references to the URLs for these websites are intended to be inactive textual references only.

Item 2. Properties

The Company's headquarters are located in Cupertino, California. The Company has manufacturing facilities in Cork, Ireland. As of September 24, 2005, the Company leased approximately 3.6 million square feet of space, primarily in the U.S., and to a lesser extent, in Europe, Japan, Canada, and the Asia Pacific region. The major facility leases are for terms of 5 to 15 years and generally provide renewal options for terms of 3 to 5 additional years. Leased space includes approximately 902,000 square feet of retail space, a majority of which is in the U.S. Lease terms for retail space range from 5 to 20 years, the majority of which are for 10 years, and often contain multi-year renewal options.

The Company owns a 352,000 square-foot manufacturing facility in Cork, Ireland that also houses a customer support call center. The Company also owns a 752,000 square-foot facility in Sacramento, California that houses warehousing and distribution operations as well as a customer support call center. In addition, the Company owns approximately 942,000 square feet of facilities located in Cupertino, California, used for research and development and corporate functions. Outside the U.S., the Company owns additional facilities totaling approximately 169,000 square feet.

The Company believes its existing facilities and equipment are well maintained and in good operating condition. The Company has invested in internal capacity and strategic relationships with outside manufacturing vendors, and therefore believes it has adequate manufacturing capacity for the foreseeable future. The Company continues to make investments in capital equipment as needed to meet anticipated demand for its products.

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EXHIBIT 4

EXHIBIT 4

Exemplary claim chart showing infringement of claim 5 of United States Patent No. 6,928,433 B2 by Apple Computer's iPod.

United States Patent No. 6,928,433 B2	Apple iPod
1. A method of selecting at least one track from a plurality of tracks stored in a computer-readable medium of a portable media player configured to present sequentially a first, second, and third display screen on the display of the media player, the plurality of tracks accessed according to a hierarchy, the hierarchy having a plurality of categories, subcategories, and items respectively in a first, second, and third level of the hierarchy, the method comprising:	The iPod is a portable music player with a display screen and an input device. The iPod automatically updates with music files contained on the user's iTunes application. The iPod uses metadata to categorize the stored music under one or more menu options that have at least three levels corresponding to a category, subcategory and item. The music is accessed using a menu. The menu options are displayed on the iPod's screen, wherein each menu level shown in a display screen is presented sequentially. The menu options corresponding to the display screens, include the following: o Playlists (Music > Playlists > your playlists > songs in the playlist); o Artists (Music > Artists > artist's albums > songs on album); o Albums (Music > Albums > songs on album); o Songs (Music > Songs > all song titles); o Podcasts (Music > Podcasts > all podcast episodes); o Genres (Music > Genres > corresponding artists > artist's albums > songs on album); o Composers (Music > Composers > corresponding albums > corresponding songs on album); o Audiobooks (Music > Audiobooks > all audiobook titles) **Source:** Exhibit 5 (iPod + iTunes Quickstart) at Steps 1-4; Exhibit 11 at iPod with Color display; Exhibit 12 at "Lesson 2: What's on the Menu?," "The Main Menu" and "The Music Menu"; Exhibit 13 ("iTunes automatically transfers the music to your iPod."); Exhibit 14 at 1, 2, 4 and 5; Exhibit 15; and

	Exhibit 17 at 8-11, 13-15 and 17.
selecting a category in the first display screen of the portable media player;	The main menu is the default menu on the iPod. The user is directed to use the "Click Wheel" to move between items in the menu, to use the "Select" button to select an item in a menu, and click the "Play/Pause" button to play or select a song. The iPod's first display screen can include, but is not limited to, the default menu, the artist menu, the playlist menu, or the genre menu. Source: Exhibit 5 (iPod + iTunes Quickstart) at Step 4 and "Using the Controls" – "Choose a menu item"; Exhibit 11 at iPod with Color display – "Center button"; Exhibit 12 at "Lesson 2: What's on the Menu?," "The Main Menu" and "The Music Menu"; Exhibit 14 at 2; and Exhibit 17 at 11.
displaying the subcategories belonging to the selected category in a listing presented in the second display screen;	When a selection is made in the first display screen the iPod automatically transitions to a second display screen that lists a subcategory of the first display screen. The iPod's second display screen can include, but is not limited to, the playlist menu, the playlist names menu, the artist menu, the artist names menu, the album menu, the album names menu, the song menu, the genre menu, or the genre types menu. Source: Exhibit 5 (iPod + iTunes Quickstart) at Step 4; Exhibit 11 at iPod with Color display – "Center button"; Exhibit 12 at "Lesson 2: What's on the Menu?," "The Main Menu" and "The Music Menu"; Exhibit 14 at 2; and Exhibit 17 at 11.
selecting a subcategory in the second display screen;	The user is directed to use the "Click Wheel" to move between items in the menu, to use the "Select" button to select an item in a menu, and click the "Play/Pause" button to play or select a song.

	Source: Exhibit 5 (iPod + iTunes Quickstart Step 4 and "Using the Controls" – "Choose a menu item"); Exhibit 11 at iPod with Color display – "Center button"; Exhibit 12 at "Lesson 2: What's on the Menu?," "The Main Menu" and "The Music Menu"; Exhibit 14 at 2; and Exhibit 17 at 11.
displaying the items belonging to the selected subcategory in a listing presented in the third display screen; and	When a selection is made in the second display screen, the iPod automatically transitions to a third display screen that lists items within the selected subcategory of the second display screen. The iPod's third display screen can include, but is not limited to, the playlist names menu, the list of songs in a playlist, the artist names menu, albums associated with an artist name, songs associated with an artist name, songs associated with an album name, song names, or artists associated with a genre type. **Source:** Exhibit 5 (iPod + iTunes Quickstart) at Step 4; Exhibit 11 at iPod with Color display – "Center button"; Exhibit 12 at "Lesson 2: What's on the Menu?," "The Main Menu" and "The Music Menu"; Exhibit 14 at 2; and Exhibit 17 at 11.
accessing at least one track based on a selection made in one of the display screens.	Users are directed to click the "Play/Pause" button to play a selected song or group of songs. Users are directed to press and hold the "Select" button until it flashes to add a song or group of songs to the on-the-go playlist, which can be subsequently accessed through the menu. **Source:** Exhibit 5 (iPod + iTunes Quickstart) at Step 4 and "Using the Controls" – "Choose a menu item"; Exhibit 11 at iPod with Color display – "Play/Pause button"; Exhibit 14 at 4; Exhibit 15; Exhibit 16; and

	Exhibit 17 at 11 and 17.
5. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises selecting an item in the third display screen and adding at least one track associated with the selected item to a playlist.	Users are directed to press and hold the "Select" button until it flashes to add a song to the on-the-go playlist, which can be subsequently accessed through the menu. **Source:** Exhibit 5 (iPod + iTunes Quickstart) at Step 4 and "Using the Controls" – "Add a song to the On-The-Go playlist"; Exhibit 14 at 4; Exhibit 16; and Exhibit 17 at 17.

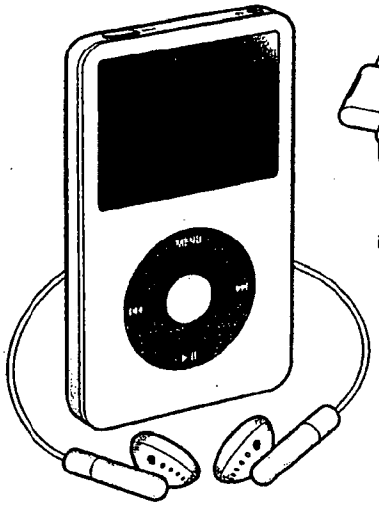
EXHIBIT 5

iPod

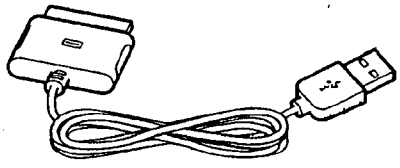
iPod + iTunes
Quick Start

Welcome

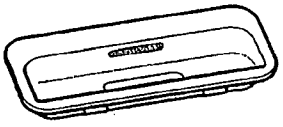
Congratulations on purchasing your new iPod.



Apple Earphones



iPod Dock Connector to USB 2.0 Cable

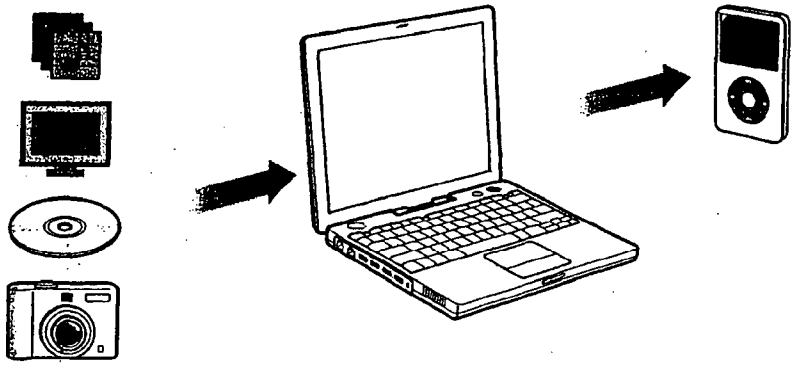


iPod Dock Adapter
(for use with iPod accessories, such as the iPod Universal Dock, available separately)

Your iPod also includes a case (not pictured).

Getting Started

To use iPod, you put music, videos, podcasts, photos, and other files on your computer and then transfer them to iPod.



Read on to get started playing music and watching videos in four easy steps. For more information about what you can do with iPod, see the *iPod Features Guide*, available on the web at www.apple.com/support/manuals/ipod or, where available, on the iPod CD and in iPod Help (in iTunes, choose Help > iPod Help).

Step 1: Install the Software

Put the iPod CD in your computer and install the iTunes and iPod software.

If you already have iTunes and iPod software on your computer, it's best to install the latest software from the CD included with iPod or from the web at www.apple.com/ipod.

Step 2: Put Music and Videos on Your Computer

Do this step if you don't already have music in iTunes on your computer.

To import music from your CDs into iTunes:

1 Put a CD in your computer. iTunes opens.

2 Deselect any songs you don't want, and then click Import.

To buy music and videos from the iTunes Music Store (available only in some countries):

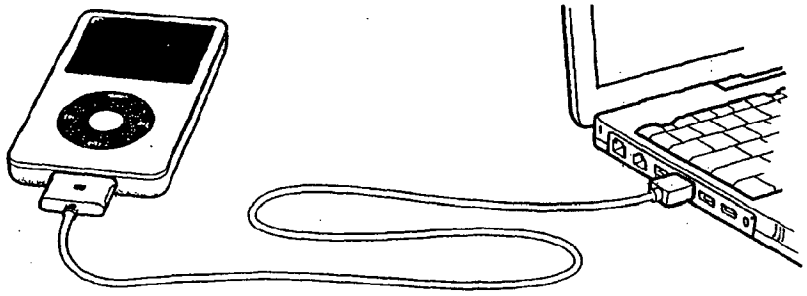
1 Open iTunes and click Music Store.

2 Click the Account button and follow the onscreen instructions to set up an account, or enter your Apple account or AOL account information (you can use your AOL account information only in some countries).

Step 3: Download Music and Charge the Battery

Connect iPod to a USB port on your computer using the included cable.

Note: USB 2.0 is recommended. The port on your keyboard doesn't provide enough power; don't use it to connect your iPod.

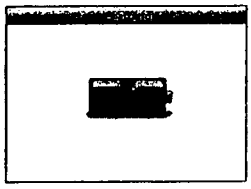


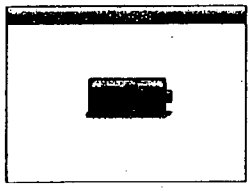
To download music and videos to iPod:
When you connect iPod, iTunes opens. Follow the simple onscreen instructions to download songs and videos to iPod.

You can download songs and videos to iPod while your battery is charging.

To charge the battery:
When iPod is connected to your computer, the battery charges.

For best results, the first time you use iPod, let it charge for about four hours or until the battery icon shows that the battery is fully charged.



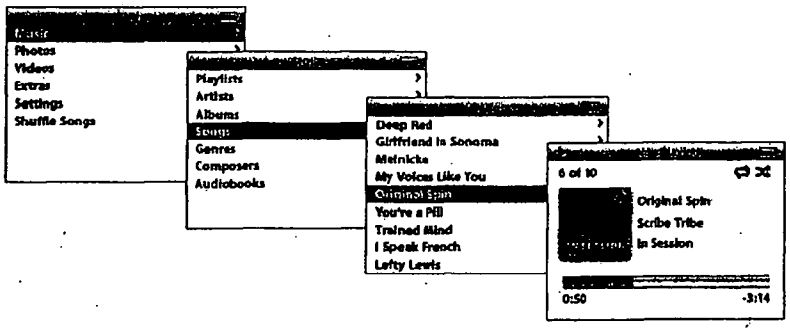


Step 4: Play Music and Videos

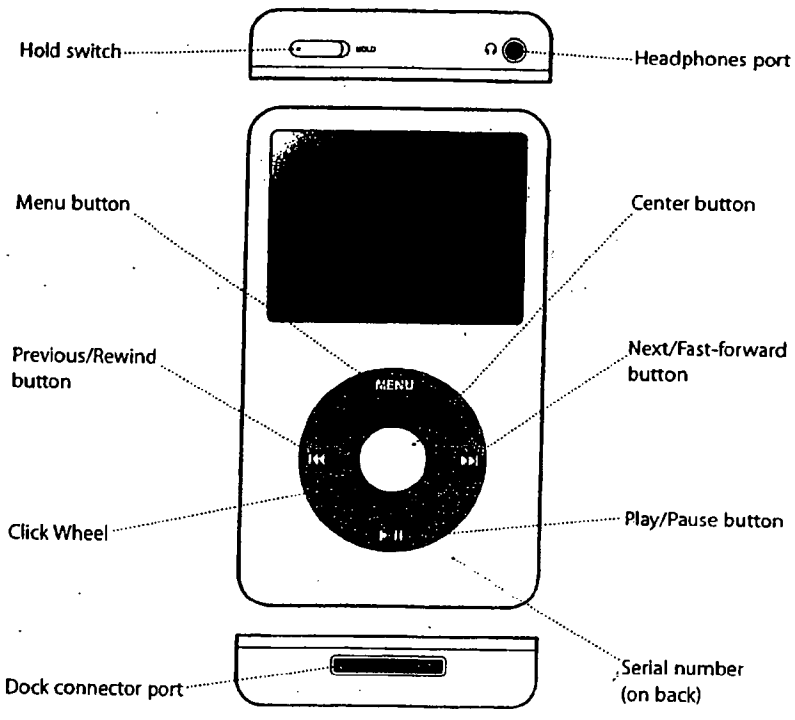
When you finish downloading songs and videos and you're ready to disconnect iPod, click the Eject (⏏) button next to iPod in the iTunes Source list. Then squeeze both sides of the connector at the end of the cable and unplug it.

To browse for and play a song or video:
Move your thumb lightly around the Click Wheel to select a menu item. To choose an item, press the Center button. To go back to the previous menu, press Menu on the Click Wheel.

When you find the song or video you want, press Play (▶II) and enjoy!



Using the Controls



034-3594-A
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To	Do This
Reset iPod (if your iPod isn't responding)	Set the Hold switch to Hold and then turn it off again. Press the Menu and Center buttons at the same time for about 6 seconds, until the Apple logo appears.
Turn on iPod	Press any button.
Turn off iPod	Press and hold Play/Pause (▶❚❚).
Turn on the backlight	Press any button or use the Click Wheel.
Disable the iPod buttons (in case you press them accidentally)	Set the Hold switch to Hold (an orange bar appears).
Choose a menu item	Move your thumb around the Click Wheel to scroll to the item, and then press the Center button.
Go back to the previous menu	Press Menu.
Go directly to the main menu	Press and hold Menu.
Browse for a song	Choose Music from the main menu.
Browse for a video	Choose Videos from the main menu.
Play a song or video	Select the song or video and press the Center or Play/Pause (▶❚❚) button. iPod must be ejected from your computer to play songs.
Pause a song or video	Press Play/Pause (▶❚❚) or unplug your headphones.

To	Do This
Change the volume	From the Now Playing screen, move your thumb around the Click Wheel.
Play all the songs in a list	Select the list title (an album title or the title of a playlist, for example) and press Play/Pause (▶II).
Play all songs in random order	From the main menu, choose Shuffle Songs.
Skip to any point in a song or video	From the Now Playing screen, press the Center button to show the scrubber bar. Then scroll to any point in the song or video.
Skip to the next song or video	Press Next/Fast-forward (▶▶I).
Start a song or video over	Press Previous/Rewind (I◀◀).
Play the previous song or video	Press Previous/Rewind (I◀◀) twice.
Fast-forward or rewind a song or video	Press and hold Next/Fast-forward (▶▶I) or Previous/Rewind (I◀◀).
Add a song to the On-The-Go playlist	Select a song, and then press and hold the Center button until the song title flashes.

Frequently Asked Questions

How do I know if my computer is compatible with iPod?

Check the system requirements on the iPod box to see if your computer and software are compatible. Make sure you install the software that comes on the iPod CD.

How do I know if my computer has a USB 2.0 port?

If songs transfer very slowly to your iPod, it's probably connected to a USB 1.1 port. A USB 1.1 port looks just like a USB 2.0 port.

To find out if your computer has a USB 2.0 port, see the documentation that came with your computer.

What if my computer doesn't have a USB 2.0 port?

Although you can connect your iPod to a USB 1.1 port, a high-power USB 2.0 port is recommended for best performance. If your Windows PC doesn't have a USB 2.0 port, you can purchase and install a USB 2.0 card. For more information about compatible USB 2.0 cards, go to www.apple.com/ipodstore.

What if I connect my iPod but don't see it in iTunes?

Try connecting to another USB port on your computer.

What if my iPod isn't responding?

Most problems with iPod can be solved by resetting it.

To reset iPod:

1. Connect iPod to your computer.
2. Set the Hold switch to Hold, and then turn it off again.
3. Press and hold the Center and Menu buttons for at least 6 seconds, until the Apple logo appears.

Learn to Use iPod

To learn to use all the features of your iPod, see the *iPod Features Guide.*

The features guide has detailed instructions on using iPod, answers to common problems, and important safety and compliance information. It can be found on the web at www.apple.com/support/manuals/ipod and, where available, on the iPod CD and in iPod Help (in iTunes, choose Help > iPod Help). To view the latest tutorials on how to make the most of your iPod experience, go to www.apple.com/support/ipod. To register your iPod, go to www.apple.com/register.

www.apple.com/ipod

www.apple.com/support/ipod

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EXHIBIT 6

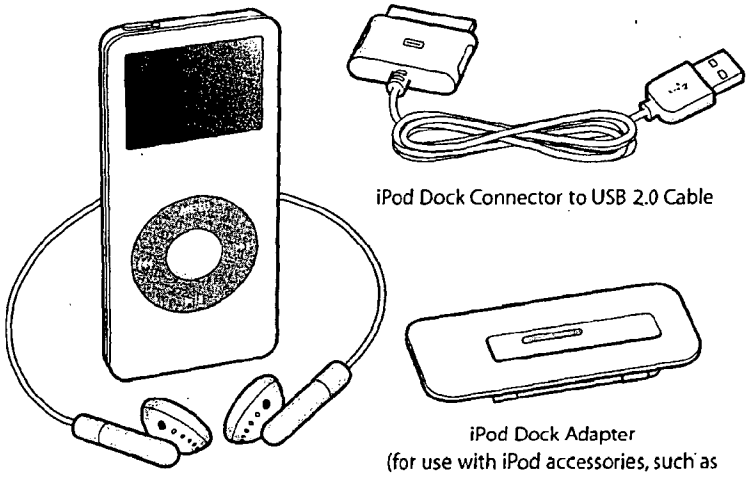
iPod
nano

iPod nano + iTunes
Quick Start

SONY Exhibit 1004 - Page 4114

Welcome

Congratulations on purchasing your new iPod nano.



iPod Dock Connector to USB 2.0 Cable

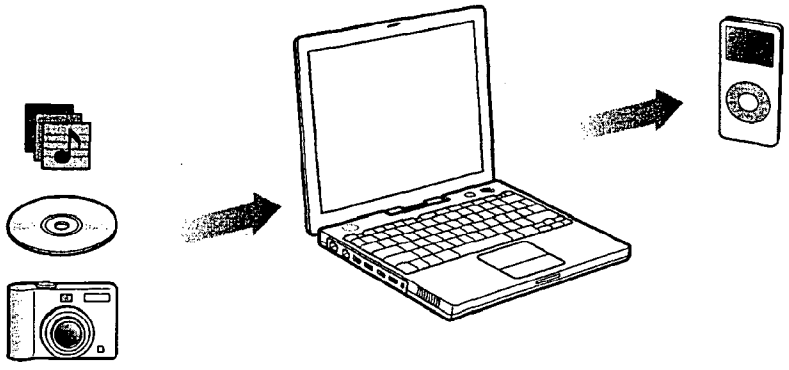
iPod Dock Adapter
(for use with iPod accessories, such as the iPod Universal Dock, available separately)

Apple Earphones

Your iPod nano also includes a case (not pictured).

Getting Started

To use iPod nano, you put music, photos, and other files on your computer and then transfer them to iPod nano.



Read on to get started playing music in four easy steps. For more information about what you can do with iPod nano, see the *iPod nano Features Guide*, available on the web at www.apple.com/support/manuals/ipod or, where available, on the iPod CD and in iPod Help (in iTunes, choose Help > iPod Help).

Step 1: Install the Software

Put the iPod CD in your computer and install the iTunes and iPod software.

If you already have iTunes and iPod software on your computer, it's best to install the latest software from the CD included with iPod nano or from the web at www.apple.com/ipodnano.

Step 2: Put Music on Your Computer

Do this step if you don't already have music in iTunes on your computer.

To import music from your CDs into iTunes:

1 Put a CD in your computer. iTunes opens.

2 Deselect any songs you don't want, and then click Import.

To buy music from the iTunes Music Store (available only in some countries):

1 Open iTunes and click Music Store.

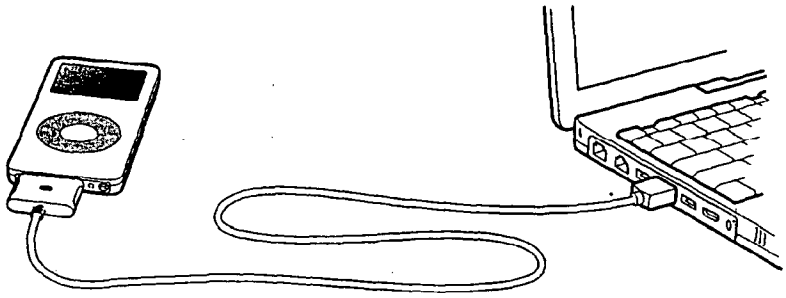
2 Click the Account button and follow the onscreen instructions to set up an account, or enter your Apple account or AOL account information (you can use your AOL account information only in some countries).

SONY Exhibit 1004 - Page 4117

Step 3: Download Music and Charge the Battery

Connect iPod nano to a USB port on your computer using the included cable.

Note: USB 2.0 is recommended. The port on your keyboard will not provide enough power; do not use it to connect your iPod nano.

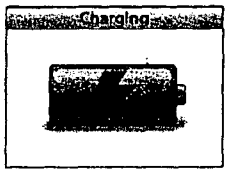


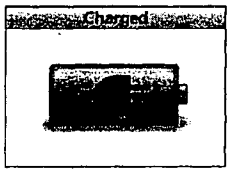
To download music to iPod nano:
When you connect iPod nano, iTunes opens. Follow the simple onscreen instructions to download songs to iPod nano.

You can download songs to iPod nano while your battery is charging.

To charge the battery:
When iPod nano is connected to your computer, the battery charges.

For best results, the first time you use iPod nano, let it charge for about three hours or until the battery icon shows that the battery is fully charged.





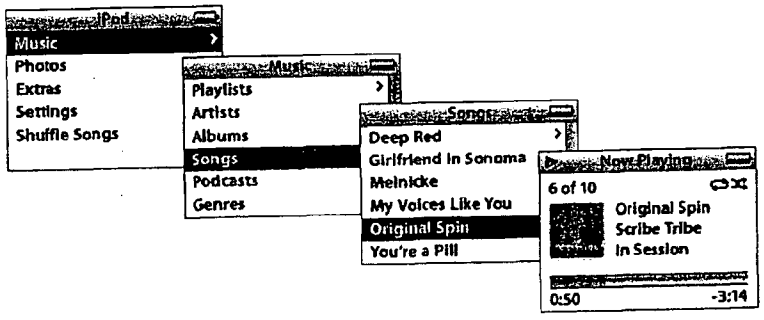
Step 4: Play Music

When you finish downloading songs and you're ready to disconnect iPod nano, click the Eject (⏏) button next to iPod nano in the iTunes Source list. Then squeeze both sides of the connector at the end of the cable and unplug it.

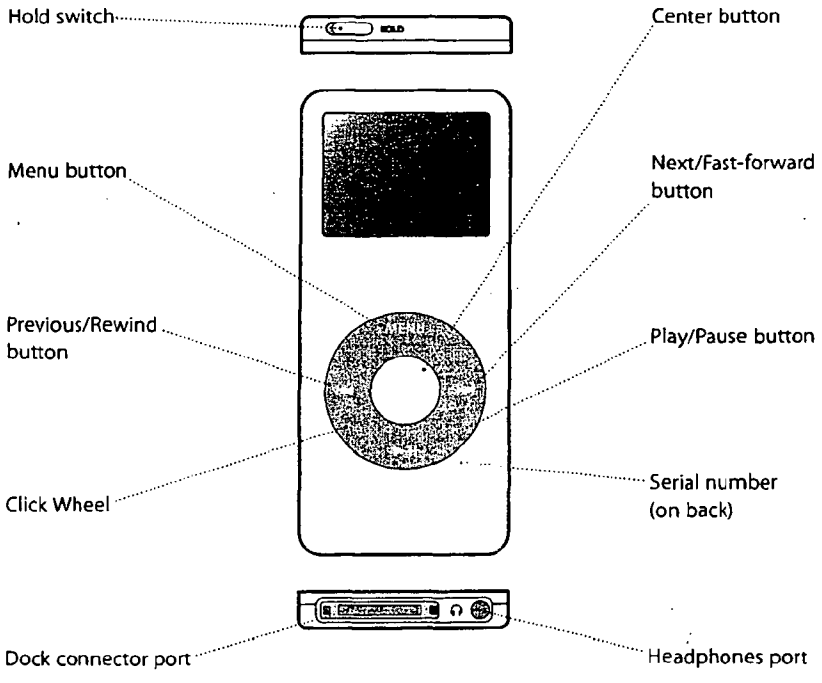
To browse for and play a song:

Move your thumb lightly around the Click Wheel to select a menu item. To choose an item, press the Center button. To go back to the previous menu, press Menu on the Click Wheel.

When you find the song you want, press Play (►II) and enjoy!



Using the Controls



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To	Do This
Reset iPod nano (if your iPod nano isn't responding)	Set the Hold switch to Hold and then turn it off again. Press the Menu and Center buttons at the same time for about 6 seconds, until the Apple logo appears.
Turn on iPod nano	Press any button.
Turn off iPod nano	Press and hold Play/Pause (►II).
Turn on the backlight	Press any button or use the Click Wheel.
Disable the iPod nano buttons (in case you press them accidentally)	Set the Hold switch to Hold (an orange bar appears).
Choose a menu item	Move your thumb around the Click Wheel to scroll to the item, and then press the Center button.
Go back to the previous menu	Press Menu.
Go back to the main menu	Press and hold Menu.
Browse for a song	Choose Music from the main menu.
Play a song	Select the song and press the Center or Play/Pause (►II) button. iPod nano must be ejected from your computer to play songs.
Pause a song	Press Play/Pause (►II) or unplug your headphones.

To	Do This
Change the volume	From the Now Playing screen, move your thumb around the Click Wheel.
Play all the songs in a list	Select the list title (an album title or the title of a playlist, for example) and press Play/Pause (▶II).
Play all songs in random order	From the main menu, choose Shuffle Songs.
Skip to any point in a song	From the Now Playing screen, press the Center button to show the scrubber bar. Then scroll to any point in the song.
Skip to the next song	Press Next/Fast-forward (▶▶I).
Start a song over	Press Previous/Rewind (I◀◀).
Play the previous song	Press Previous/Rewind (I◀◀) twice.
Fast-forward or rewind a song	Press and hold Next/Fast-forward (▶▶I) or Previous/Rewind (I◀◀).
Add a song to the On-The-Go playlist	Select a song, and then press and hold the Center button until the song title flashes.

Frequently Asked Questions

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Check the system requirements on the iPod nano box to see if your computer and software are compatible. Make sure you install the software that comes on the iPod CD.

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If songs transfer very slowly to your iPod nano, it's probably connected to a USB 1.1 port. A USB 1.1 port looks just like a USB 2.0 port.

To find out if your computer has a USB 2.0 port, see the documentation that came with your computer.

What if my computer doesn't have a USB 2.0 port?

Although you can connect your iPod nano to a USB 1.1 port, a high-power USB 2.0 port is recommended for best performance. If your Windows PC doesn't have a USB 2.0 port, you can purchase and install a USB 2.0 card. For more information about compatible USB 2.0 cards, go to www.apple.com/ipodstore.

What if I connect my iPod nano but don't see it in iTunes?

Try connecting to another USB port on your computer.

SONY Exhibit 1004 - Page 4124

What if my iPod nano isn't responding?

Most problems with iPod nano can be solved by resetting it.

To reset iPod nano:

1. Connect iPod nano to your computer.
2. Set the Hold switch to Hold, and then turn it off again.
3. Press and hold the Center and Menu buttons for at least 6 seconds, until the Apple logo appears.

Learn to Use iPod nano

To learn to use all the features of your iPod nano, see the *iPod nano Features Guide*.

The features guide has detailed instructions on using iPod nano, answers to common problems, and important safety and compliance information. It can be found on the web at www.apple.com/support/manuals/ipod and, where available, on the iPod CD and in iPod Help (in iTunes, choose Help > iPod Help). To view the latest tutorials on how to make the most of your iPod experience, go to www.apple.com/support/ipod. To register your iPod nano, go to www.apple.com/register.

www.apple.com/ipodnano
www.apple.com/support/ipod

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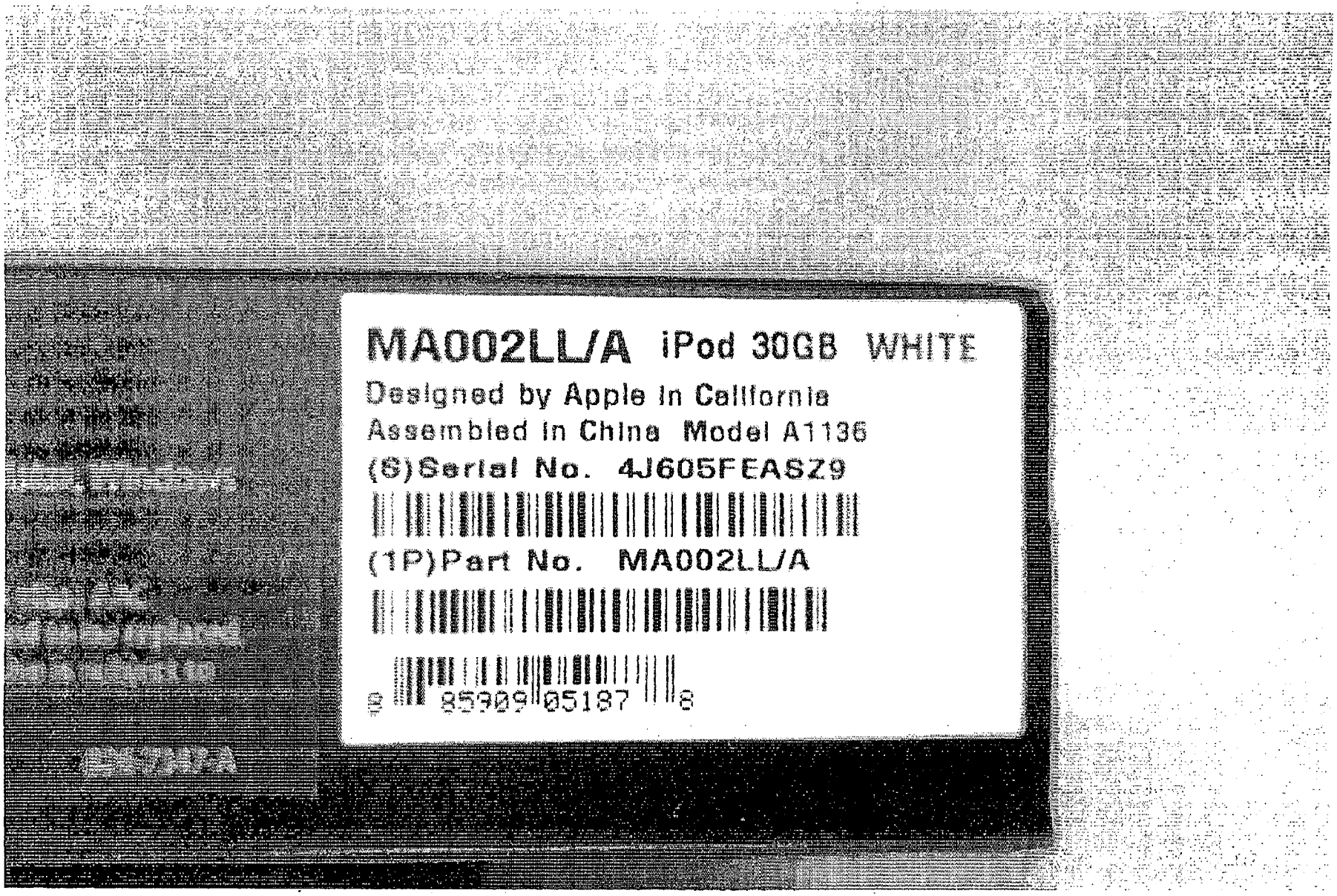
EXHIBIT 7

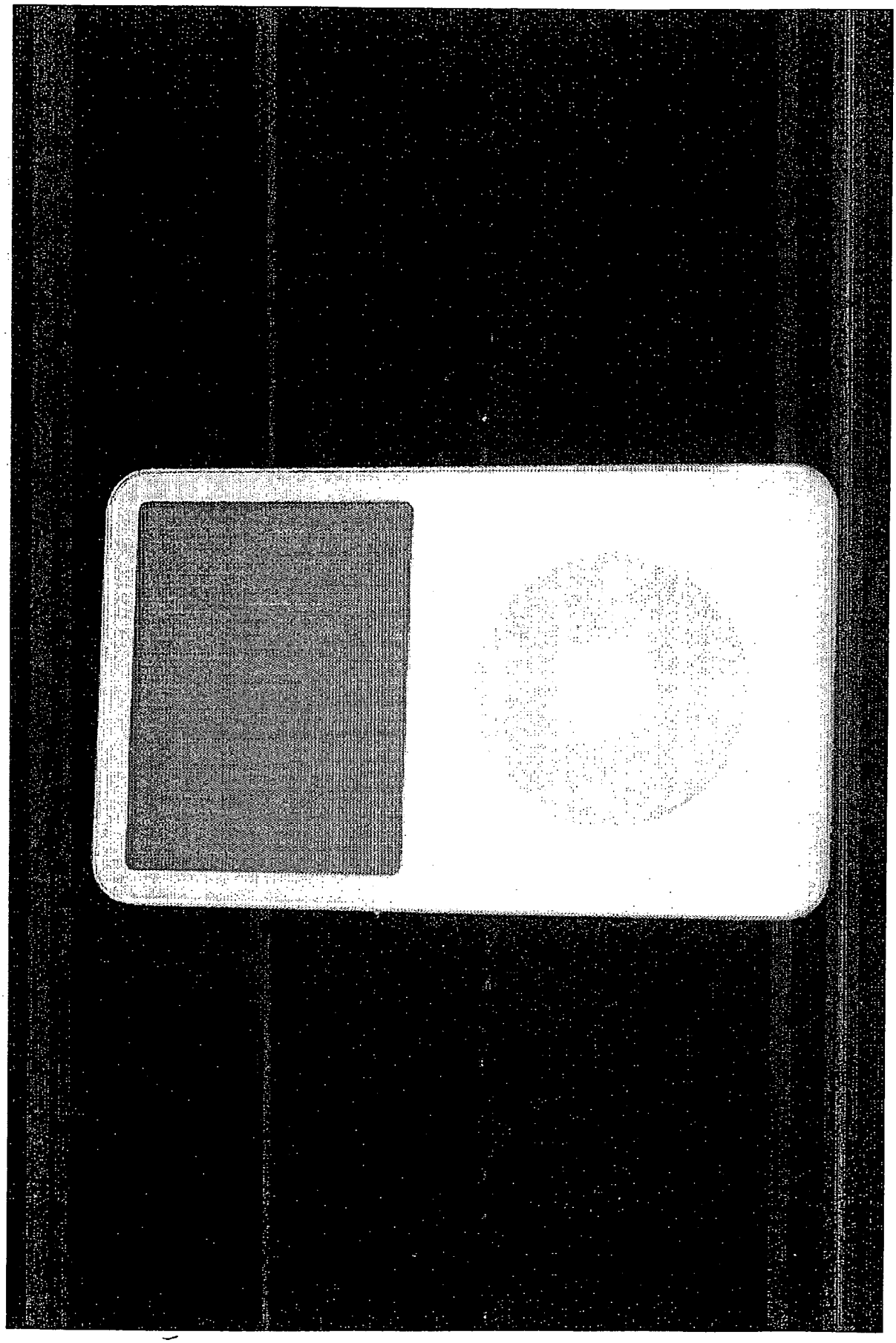
Now Playing
6 of 15
Feel Good, Inc
Gorillaz
Demon Days
iPod

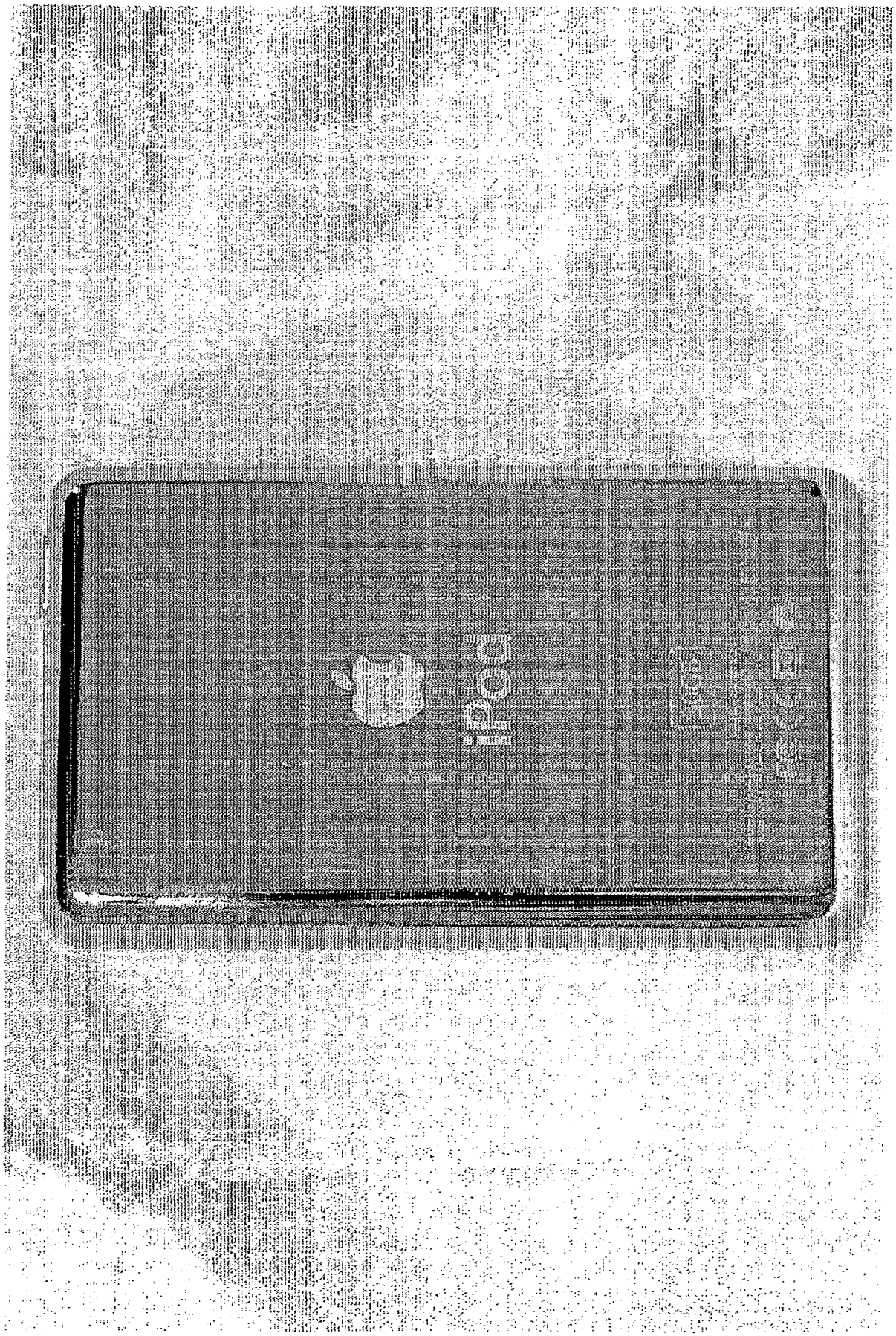
iPod

MA002LL/A iPod 30GB WHITE
Designed by Apple in California
Assembled in China Model A1136
(S)Serial No. 4J605FEA5Z9
(1P)Part No. MA002LL/A



SONY Exhibit 1004 - Page 4130





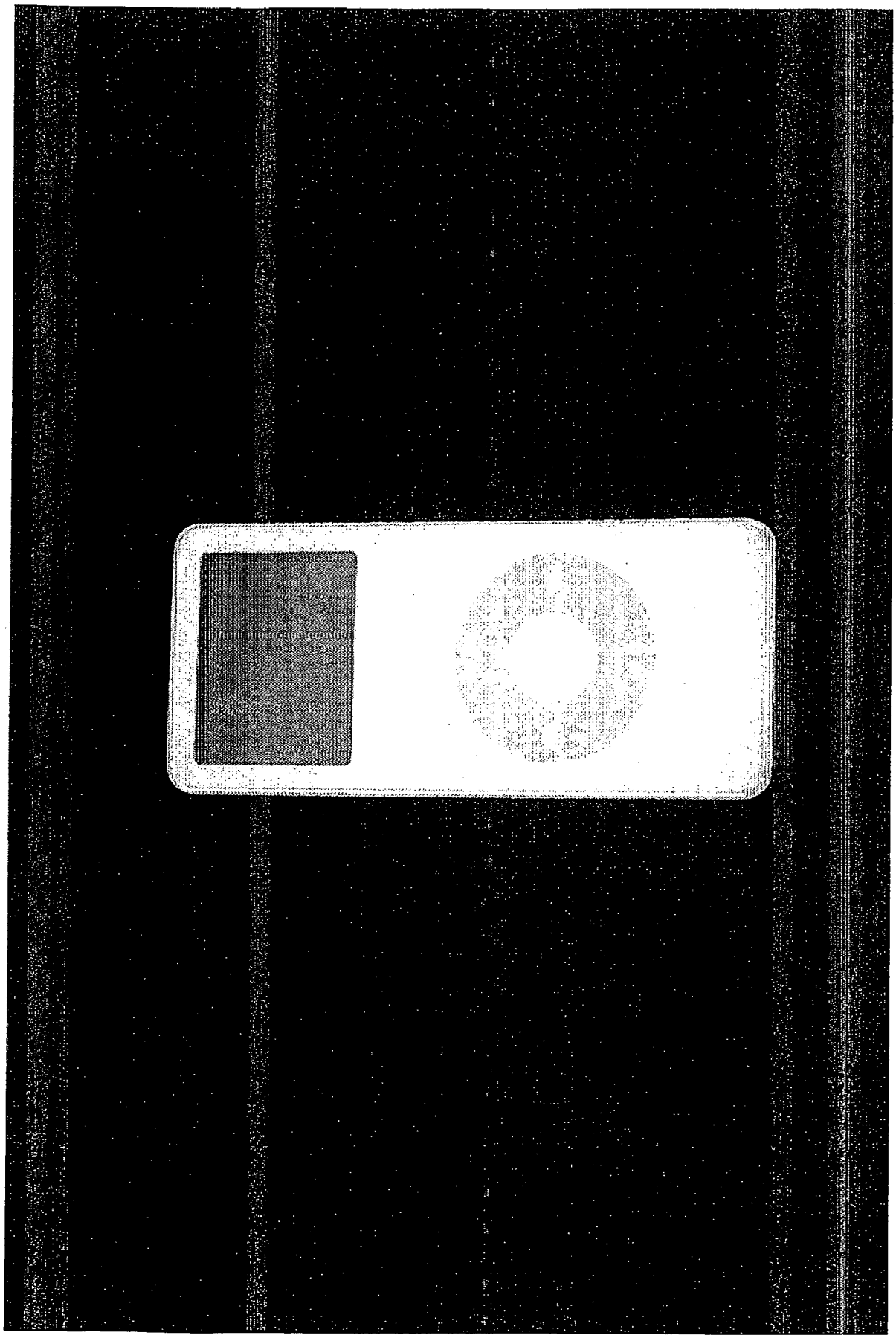
30GB
Serial No.:4J605FEASZ9
Designed by Apple in California Assembled in China Model No.: A1136 EMC No.: 2065
Rated 5-30V ⎓ 1A Max. TM and © 2005 Apple Computer, Inc. All rights reserved.

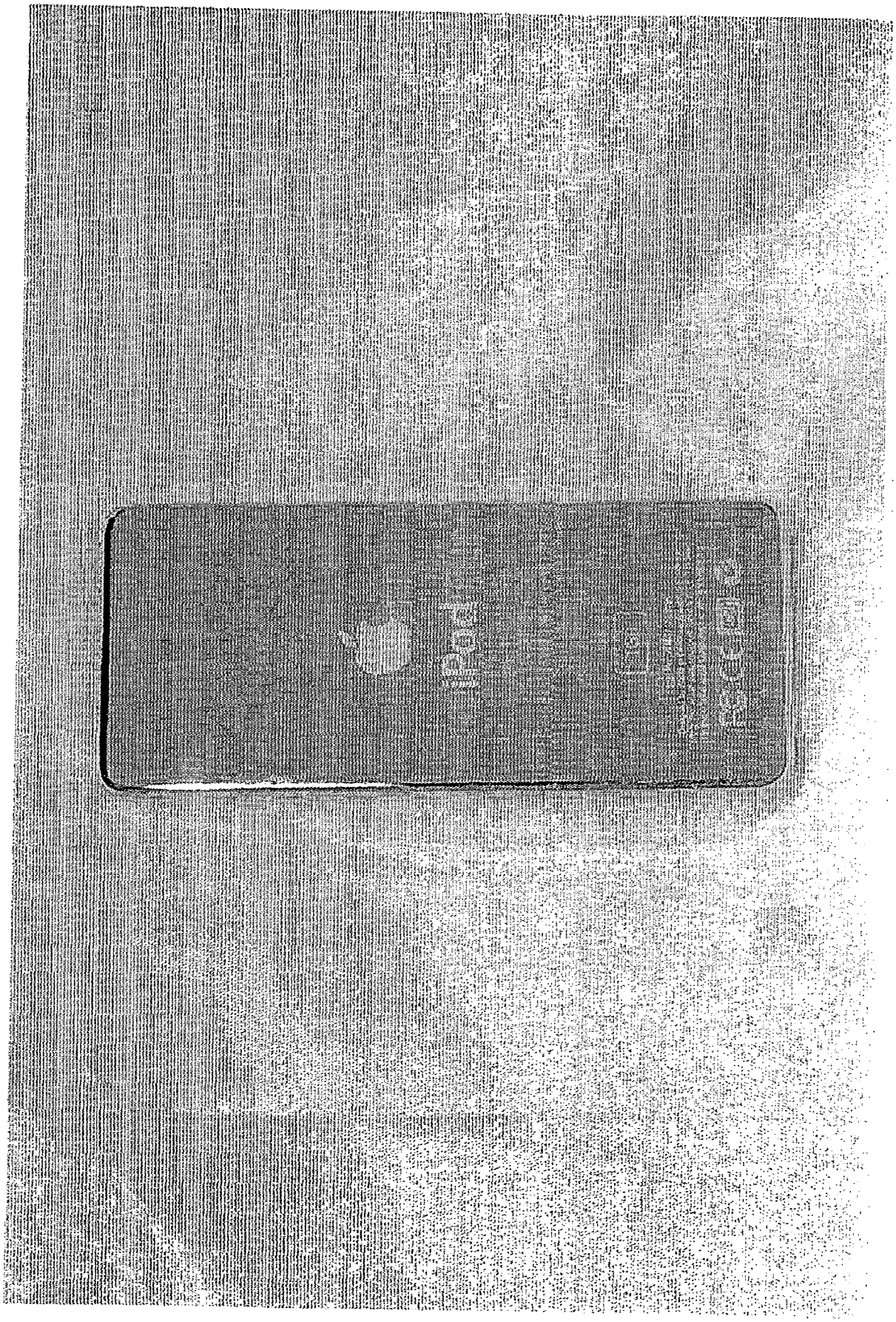
Now Playing
3 of 14
Just Feel Better
Santana
All That I Am
3:30
-0:55
iPod
nano

iPod
nano

MA350LL/A iPod nano 1GB white
Designed by Apple in California
Assembled in China Model No. A1137
(S)Serial No. 6U6074ACUNA
(1P)Part No. MA350LL/A

SONY Exhibit 1004 - Page 4137





1GB
Serial No.: 6U6074ACUNA
Designed by Apple in California. Assembled in China
Model No.: A1137 EMC No.: 2066 Rated 5-30V 1A Max.
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EXHIBIT 8

EXHIBIT 8 REMOVED FROM PUBLIC VERSION – CONTAINS CONFIDENTIAL BUSINESS INFORMATION

EXHIBIT 9

Exhibit 9: Public

Non-Exclusive List of Creative Products That Practice One of More of the Asserted Claims

ZEN VISION: M
ZEN SLEEK PHOTO
ZEN MICROPHOTO
ZEN VISION
ZEN SLEEK
ZEN MICRO
ZEN TOUCH
ZEN XTRA
ZEN NX
ZEN 2 (NOMAD JUKEBOX ZEN USB 2.0)
ZEN (NOMAD JUKEBOX ZEN)
NOMAD JUKEBOX 3
NOMAD JUKEBOX 2
NOMAD JUKEBOX

WDC99 1231696-1.065985.0014

EXHIBIT 10

EXHIBIT 10

Exemplary claim chart showing use by Creative's Zen Vision:M® product of claim 5 of United States Patent No. 6,928,433 B2.

United States Patent No. 6,928,433 B2	Creative Zen Vision:M
1. A method of selecting at least one track from a plurality of tracks stored in a computer-readable medium of a portable media player configured to present sequentially a first, second, and third display screen on the display of the media player, the plurality of tracks accessed according to a hierarchy, the hierarchy having a plurality of categories, subcategories, and items respectively in a first, second, and third level of the hierarchy, the method comprising:	The Zen Vision:M is a portable music player with a hard-drive, a display screen and an input device. The Zen Vision:M is designed to store music files. The Zen Vision:M uses metadata to categorize the stored music under one or more menu options that have at least three levels corresponding to a category, subcategory and item. The music is accessed using a menu. The menu options are displayed on the Zen Vision:M screen, wherein each menu level shown in a display screen is presented sequentially. The menu options corresponding to the display screens, include the following: o Menu; o Now Playing; o Playlist; o Albums; o Artists; and o Genres.
selecting a category in the first display screen of the portable media player;	The main menu is the default menu on the Zen Vision:M. The user can use the input device to move between items in the menu, to select an item in a menu, and play a song or group of songs. The Zen Vision:M's first display screen can include, but is not

	limited to, the default menu, the artist menu, the playlist menu, or the genre menu.
displaying the subcategories belonging to the selected category in a listing presented in the second display screen;	When a selection is made in the first display screen the Zen Vision:M automatically transitions to a second display screen that lists a subcategory of the first display screen. The Zen Vision:M's second display screen can include, but is not limited to, the playlist menu, the playlist names menu, the artist menu, the artist names menu, the album menu, the album names menu, the all tracks menu, the genres menu, or the genre types menu.
selecting a subcategory in the second display screen;	The user can use the input device to move between items in the menu, to select an item in a menu, and play a song or group of songs.
displaying the items belonging to the selected subcategory in a listing presented in the third display screen; and	When a selection is made in the second display screen, the Zen Vision:M automatically transitions to a third display screen that lists items within the selected subcategory of the second display screen. The Zen Vision:M's third display screen can include, but is not limited to, the playlist names menu, the song list associated with a playlist, the artist names menu, albums associated with an artist name, songs associated with an artist name, songs associated with an album name, song names, or artists associated with a genre type.
accessing at least one track based on a selection made in one of the display screens.	Users can play a selected song or group of songs. Users can add a song or group of songs to a playlist, which can be subsequently accessed through the menu.

5. The method of selecting a track as recited in claim 1 wherein the accessing at least one track comprises selecting an item in the third display screen and adding at least one track associated with the selected item to a playlist.	Users can add a song to a playlist, which can be subsequently accessed through the menu.

EXHIBIT 11

iPod 101

iPod Anatomy

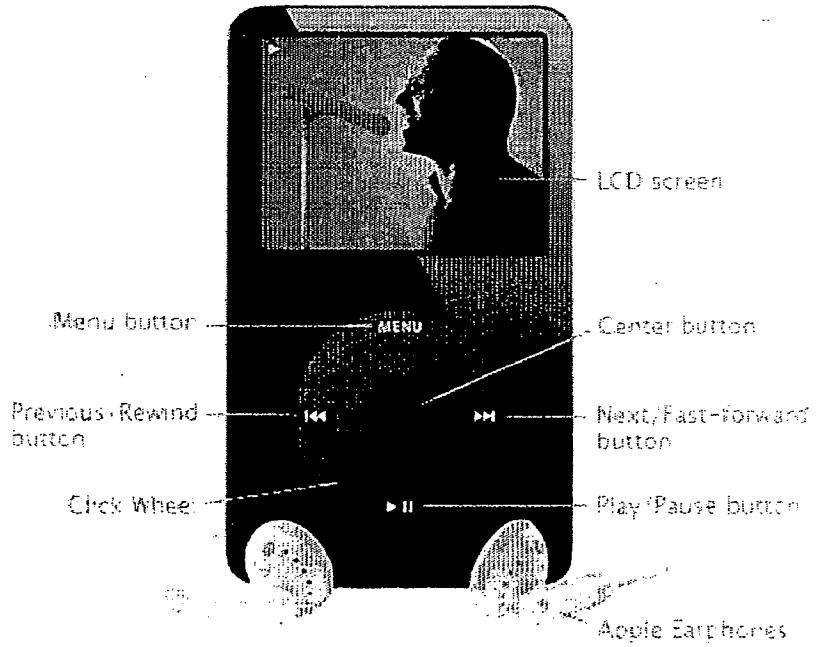
Lesson 1: The Lay of the Land

If you want to use your new iPod to its fullest, you should get familiar with its physical features first. We've mapped out three iPod model types—iPod with color display (includes iPod nano), iPod mini, and iPod shuffle—to show you what's what and what each doodad does. If you've adopted an older iPod, its physical attributes are similar to an iPod with a color display, so feel free to enjoy the ride too.

Ready for the grand tour? Just select your iPod...

- iPod with color display (including iPod nano)
- iPod mini
- iPod shuffle

iPod with color display (including iPod nano)



If you've got an iPod with a color display (we're showing the latest iPod with video model, though iPod nano controls are similar), here's a map of its main controls and features.

LCD screen
Fifth Generation iPod models feature a color 2.5-inch (diagonal) LCD screen to help you navigate and control

everything on your iPod. iPod nano features a 1.5-inch (diagonal) color LCD screen. Older iPod with color display models feature a 2-inch (diagonal) color LCD, while classic iPod models feature a 2-inch (diagonal) monochrome LCD. All iPods with a display feature a handy backlight to prevent you from fumbling around menus when the lights go out.

Any iPod with a color display can show off navigation menus, audio file attributes (file name, artist, genre, and more), photos, album art, playlists, volume, audio file progress, games, the time, personal contacts and calendars, notes, and more. iPod nano, in addition, displays a stopwatch, screen lock control, lyrics, and multiple world clocks, while iPod with video (aka Fifth Generation iPod) does what iPod nano does, plus puts video capabilities in your hands.

Click Wheel
This donut-shaped dial (on all current iPods with a display) doesn't physically spin; it's a touch-sensitive pad (much like a trackpad on a portable computer) that senses movement as you glide your finger across its surface. Just whirl your finger around the wheel to scroll through menus, crank up the volume, scrub through an audio track, eyeball your photo collection, and more, depending on where you're at in your iPod.

Although the Click Wheel doesn't actually rotate, it'll play an audible clicking sound through an internal speaker on your iPod while you scroll to let you know it's working (you can turn this sound off if you can't bear the clicking—we'll show you how in "Customize My Menu").

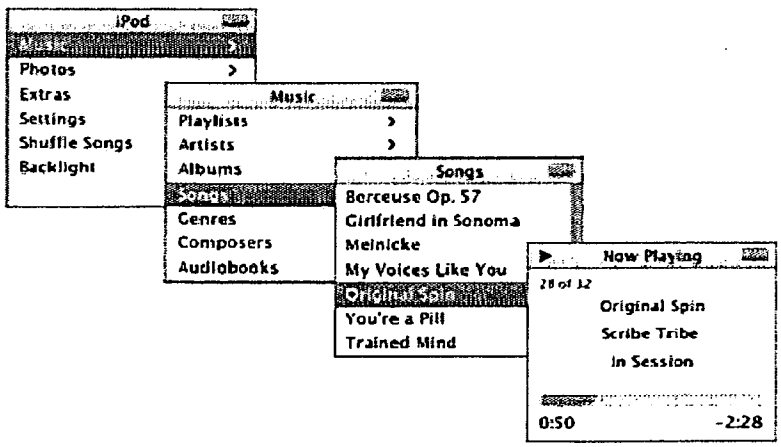
The wheel also serves as a 4-way controller; just press any control's label toward the edge of the wheel to activate it. Unlike the wheel, these buttons aren't touch-sensitive—pressing a label on the Click Wheel actually pushes a corresponding button underneath the wheel. You can play, pause, rewind, fast-forward, and skip songs, or go to other menus using the buttons on the Click Wheel.

Where's the On and Off switch?

You won't find a dedicated switch to turn your iPod on and off. To turn it on, just press any button (and don't go looking for an "Any" button either, smartypants). Make sure that the Hold switch isn't engaged either. To turn off iPod, press and hold the Play/Pause button until iPod turns off.

Tip: To keep from accidentally turning on your iPod in transit, slide the Hold switch to the Hold position to lock the controls.

Center button
This button (formerly known as the Select button) in the middle of the Click Wheel (but separate from it) lets you select the currently highlighted menu item shown on the LCD. For example, if you're in the Music menu, you can whirl your finger around the Click Wheel until Songs is highlighted, then press the Center button to go to the Songs menu and see all the songs on your iPod (in iPod menu speak, you just selected **Music > Songs**). You can then highlight a song and press the Play/Pause button to hear it.



You can easily get to anything on your iPod by simply using the Click Wheel and Menu and Center buttons.

Menu button
This button takes you back to the previous menu. For example, if you're now playing a song (after following our

example for the Center button, above), pressing the Menu button will return you to the Songs menu. Press the Menu button again to go back to the Music menu, and one more time to return to the main (iPod) menu.

Previous/Rewind button
When a song (or audiobook or podcast) is playing (the Now Playing screen appears on the LCD), you can start the song over by pressing this button once, go to the previous song in the list by pressing the button twice, or rewind through the current song by holding down the button as long as you want.

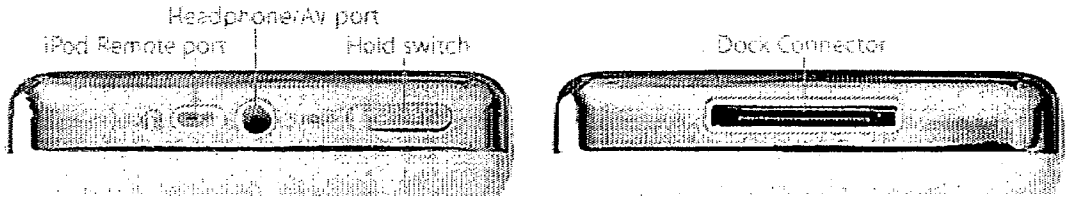
When you're browsing photos, pressing this button lets you go back to the previous screen of photos. If you're viewing a slideshow, press this button to go back to the previous photo in the slideshow.

Next/Fast-forward button
When a song (or audiobook or podcast) is playing (the Now Playing screen appears on the LCD), you can skip to the next song in the list by pressing this button once, or fast-forward through the current song by holding down the button as long as you want.

When you're browsing your photos, pressing this button lets you skip to the next screen of photos. If you're viewing a slideshow, press this button to skip to the next photo in the slideshow.

Play/Pause button
When you select a song, video, audiobook, or podcast, pressing this button will either play the selection or pause it if it's already playing. When you're viewing photos, you can select any photo or album and press this button to play a slideshow. Press it again to pause the slideshow. Pressing and holding the Play/Pause button also turns off iPod.

Apple Earphones
If you want to hear your music, you've got to plug some headphones into your iPod. The included Apple earbud-style headphones provide awesome sound with full frequency response (20 Hz to 20,000 Hz), and connect to iPod with a 3.5-mm stereo miniplug. If you have a hard time keeping these types of 'phones in your ears, feel free to plug in a different set of headphones.



Here's the bird's eye (left)—and bug's eye (right)—view of an iPod with color display. iPod nano features its headphone port on its bottom (next to the Dock Connector).

Headphone/AV port
This is the place to plug in your headphones—either the included Apple Earphones or your own (as long as it has a stereo 3.5-mm miniplug). iPod features the headphone jack/AV port up top, while iPod nano sports a headphone port on its bottom (it doesn't have AV capabilities).

When you're not feeling selfish and hogging your tunes to yourself, you can alternatively use a 3.5-mm stereo miniplug to dual RCA jack cable (not included) to connect your iPod or iPod nano to your home stereo and share your tunes with the neighbors. Or hook up a pair of powered speakers to the port.

If you've got photos or video on your iPod, you can also use this port to connect your iPod to a TV (this feature isn't available on iPod nano), then gather up family and friends to watch slideshows, music videos, movies—including your own home movies (see "Creating video for iPod" for instructions), and TV shows on the bigger screen. You'll need an Apple iPod AV Cable (optional) to make this connection.

Hold switch
Sliding this little switch to the Hold position allows you to lock all of the button and Click Wheel functions. This comes in handy when you want to avoid accidental button presses when you're, say, running around with your iPod in hand, or have it turned off and are transporting it in your pocket, bag, or purse (pressing any button turns on iPod). Slide the switch back to reclaim full control.

iPod Remote port
This port allows you to connect an optional remote control accessory to iPod to control playback. iPod nano and iPod with video do not feature this port.

Dock Connector
Flip your iPod upside-down and you'll see the Dock Connector. When you connect the included iPod Dock Connector to USB 2.0 cable to this port, you can feed your iPod battery a healthy dose of electrical current when you attach the USB side of the cable to an AC adapter that's plugged into an electrical socket. Or connect it to a high-powered USB port on your computer to charge the battery and sync music and more.

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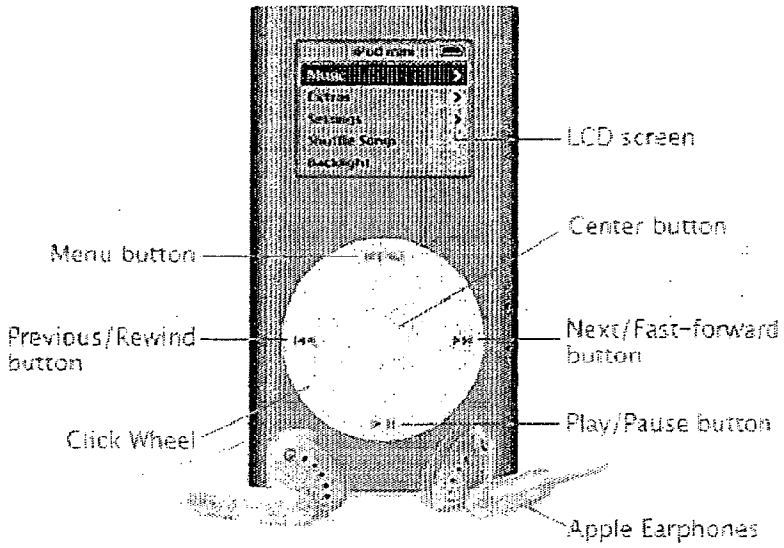
iPod mini



Whether your iPod mini is blue, pink, silver, or green, its main controls and features operate all the same.

LCD screen
All iPod mini models feature a 1.67-inch (diagonal) monochrome LCD to help you navigate and control your music, podcasts, audiobooks, and what have you. This screen can show off navigation menus, audio file attributes (file name, artist, genre, and more), playlists, volume, audio file progress, games, the time, personal contacts and calendars, notes, and more. It also features a handy backlight to prevent you from fumbling around menus when the lights go out.

Click Wheel
This donut-shaped dial doesn't physically spin; it's a touch-sensitive pad (much like a trackpad on a portable computer) that senses movement as you glide your finger across its surface. Just whirl your finger around the wheel to scroll through menus, crank up the volume, scrub through an audio track, and more, depending on where you're at in your iPod.

Although the Click Wheel doesn't actually rotate, it'll play an audible clicking sound through an internal speaker on your iPod mini while you scroll to let you know it's working (you can turn this sound off if you can't bear the clicking—we'll show you how in "Customize My Menu").

The wheel also serves as a 4-way controller; just press any control's label toward the edge of the wheel to activate it. Unlike the wheel, these buttons aren't touch-sensitive—pressing a label on the Click Wheel actually pushes a corresponding button underneath the wheel. You can play, pause, rewind, fast-forward, and skip songs, or go to other menus using the buttons on the Click Wheel.

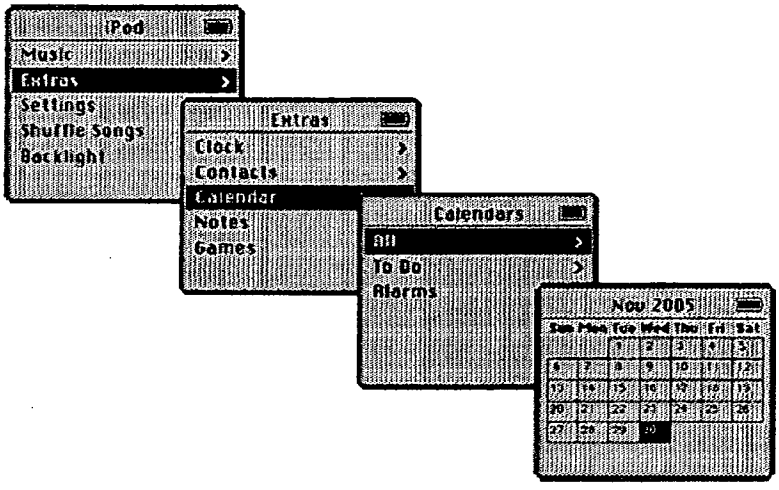
Where's the On and Off switch?

You won't find a dedicated switch to turn iPod mini on and off. To turn it on, just press any button (and don't go looking for an "Any" button either, smartypants). Make sure that the Hold switch isn't engaged either. To turn it off, press and hold the Play/Pause button until iPod mini turns off.

Tip: To keep from accidentally turning on your iPod mini in transit, slide the Hold switch to the Hold position to

lock the controls.

Center button
This button (formerly known as the Select button) at the center of the Click Wheel (but separate from it) lets you select the currently highlighted menu item shown on the LCD. For example, if you're in the Extras menu, you can whirl your finger around the Click Wheel until Calendar is highlighted, press the Center button to go to the Calendars menu, highlight All, and then press the Center button to see your calendars (in iPod menu speak, you just selected **Extras > Calendar > All**).



You can easily get to anything on your iPod by simply using the Click Wheel and Menu and Center buttons.

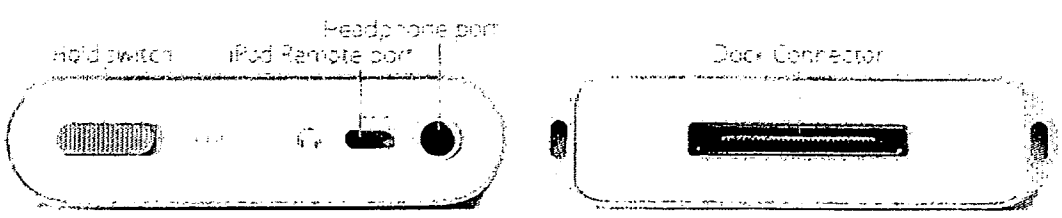
Menu button
This button takes you back to the previous menu. For example, if you're now looking at a calendar (after following our example for the Center button, above), pressing the Menu button will return you to the Calendars menu. Press the Menu button again to go back to the Extras menu, and one more time to return to the main (iPod mini) menu.

Previous/Rewind button
When a song (or audiobook or podcast) is playing (the Now Playing screen appears on the LCD), you can start the song over by pressing this button once, go to the previous song in the list by pressing the button twice, or rewind through the current song by holding down the button as long as you want.

Next/Fast-forward button
When a song (or audiobook or podcast) is playing (the Now Playing screen appears on the LCD), you can skip to the next song in the list by pressing this button once, or fast-forward through the current song by holding down the button as long as you want.

Play/Pause button
When you select a song, audiobook, or podcast, pressing this button will either play the selection or pause it if it's already playing. Pressing and holding the Play/Pause button also turns off iPod mini.

Apple Earphones
If you want to hear your music, you've got to plug some headphones into your iPod mini. The included Apple earbud-style headphones provide awesome sound with full frequency response (20 Hz to 20,000 Hz), and connect to iPod mini with a 3.5-mm stereo miniplug. If you have a hard time keeping these types of 'phones in your ears, feel free to plug in a different set of headphones.



Here's the bird's eye (left)—and bug's eye (right)—view of iPod mini

Headphone port
This is the place to plug in your headphones—either the included Apple Earphones or your own (as long as it has a stereo 3.5-mm miniplug). When you're not feeling selfish and hogging your tunes to yourself, you can alternatively use a 3.5-mm stereo miniplug to dual RCA jack cable (not included) to connect iPod mini to your home stereo and share your tunes with the neighbors. Or hook up a pair of powered speakers to the port.

Hold switch
Sliding this little switch to the Hold position allows you to lock all of the button and Click Wheel functions. This comes in handy when you want to avoid accidental button presses when you're, say, running around with your iPod mini in hand, or have it turned off and are transporting it in your pocket, bag, or purse (pressing any button turns on iPod mini). Slide the switch back to reclaim full control.

iPod Remote port
This port allows you to connect an optional remote control accessory to iPod mini to control playback.

Dock Connector
Flip your iPod mini upside-down and you'll see the Dock Connector. When you connect the included iPod Dock Connector to USB 2.0 cable to this port, you can feed your iPod mini battery a healthy dose of electrical current when you attach the USB side of the cable to an AC adapter that's plugged into an electrical socket. Or connect it to a high-powered USB port on your computer to charge the battery and sync music and more.

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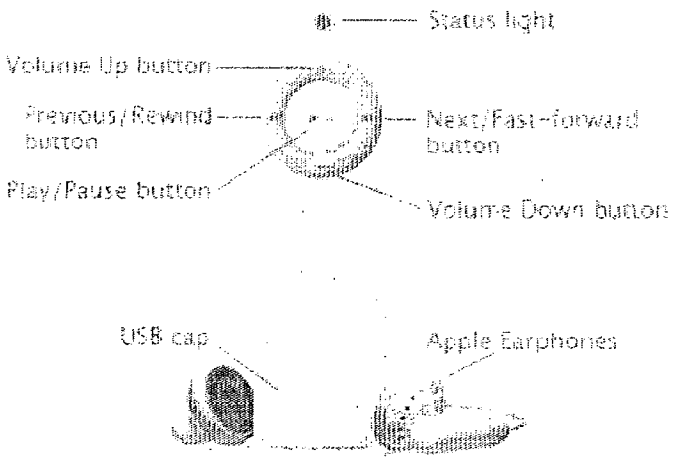
iPod shuffle



Here's everything you'll find on an iPod shuffle exterior, and what each thing does.

Status light
Although iPod shuffle doesn't have an LCD screen, it does have a front status light to communicate things to you. You can't see this light when it's not lit—it's actually concealed behind the iPod shuffle façade—but when it's shining in all its orange or green beauty, iPod shuffle is letting you know its status as follows:

When iPod shuffle is connected to your computer...

- Solid orange—iPod shuffle is charging but not in use; it's OK to disconnect it from your computer.
- Blinking orange—iPod shuffle is in use; do not disconnect it from your computer in this state.
- Solid green—iPod shuffle is fully charged and not in use; it's OK to disconnect it from your computer.
- No light—iPod shuffle is not charging, nor in use; it's OK to disconnect it from your computer.

When iPod shuffle is not connected to your computer...

- When you turn iPod shuffle on, the status light will be green for up to 3 seconds and then turn off.
- When you press the Play/Pause button to play music (or an audiobook or podcast), the status light will be green for 2 seconds and then turn off.
- When you press the Play/Pause button to pause music (or an audiobook or podcast), the status light will blink green for 1 minute. If iPod shuffle is paused for longer than a minute, the light will turn off.
- When you press and hold any iPod shuffle button, the status light will be green for as long as you hold down the button, unless Hold is activated.
- If the status light blinks orange and green when you press any button, iPod shuffle is letting you know that there's either an error, or it could be that you have no songs on the player. We'll tell you how to resolve this issue in our iPod troubleshooting section.

Put It on Hold

iPod shuffle features a Hold mode that allows you to temporarily disable the front buttons to avoid accidental presses while you're listening to your tunes. To turn on Hold, press and hold the Play/Pause button for 3 seconds; the status light will blink orange three times to let you know that iPod shuffle is on Hold. If you press a button when Hold is on, the status light will display orange, but the press will have no affect.

To turn off Hold, press the Play/Pause button for 3 seconds; the status light will blink green three times to let you know that the iPod shuffle buttons are free to be pressed at will. Alternatively, you can also turn off Hold by moving the switch on the back of iPod shuffle to the Off position.

Play/Pause button
This center button allows you to play or pause a song, audiobook, or podcast. Pressing this button will either start play or pause it if something is already playing.

Volume Up button
Press this button to crank up your tunes, audiobook, or podcast. Press this button multiple times to turn up the volume incrementally. Hold the button down to turn up the volume gradually.

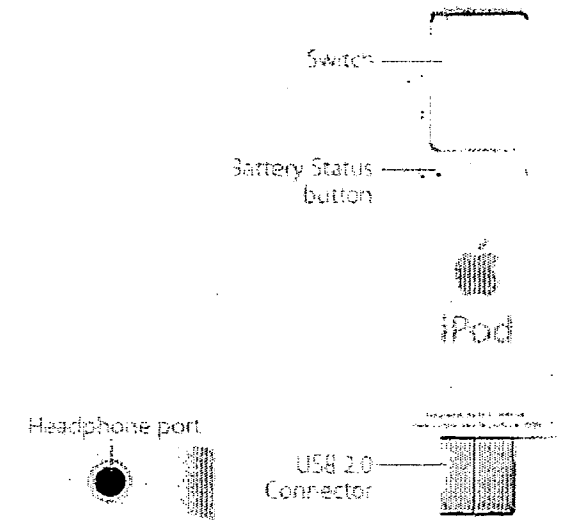
Volume Down button
Press this button to turn down your tunes, audiobook, or podcast. Press this button multiple times to turn down the volume incrementally. Hold the button down to turn down the volume gradually.

Previous/Rewind button
When a song (or audiobook or podcast) is playing, you can start the song over by pressing this button once, go to the previous song by pressing the button twice, or rewind through the current song by holding down the button as long as you want.

Next/Fast-forward button
When a song (or audiobook or podcast) is playing, you can skip to the next song in the list by pressing this button once, or fast-forward through the song by holding down the button as long as you want.

USB cap
This fashionable little cap can be used to conceal the USB 2.0 connector when iPod shuffle isn't connected to your computer.

Apple Earphones
If you want to hear your music, you've got to plug some headphones into your iPod shuffle. The included Apple earbud-style headphones provide awesome sound with full frequency response (20 Hz to 20,000 Hz), and connect to iPod shuffle with a 3.5-mm stereo miniplug. If you have a hard time keeping these types of 'phones in your ears, feel free to plug in a different set of headphones.



Here's the bird's eye (left)—and backside (right)—view of iPod shuffle.

Headphone port
This is the place to plug in your headphones—either the included Apple Earphones or your own (as long as it has a stereo 3.5-mm miniplug). When you're not feeling selfish and hogging your tunes to yourself, you can alternatively use a 3.5-mm stereo miniplug to dual RCA jack cable (not included) to connect iPod shuffle to your home stereo and share your tunes with the neighbors. Or hook up a pair of powered speakers to the port.

Switch
This switch on the back of iPod shuffle lets you turn the player on and off, and set whether iPod shuffle plays songs, audiobooks, and podcasts in order or in shuffle mode (total, random, free-for-all).

To turn on iPod shuffle, slide the switch to either the play in order position (the first slider setting with the arrows in an oval icon) or shuffle songs position (the second slider setting with the intersecting arrows icon). The switch will reveal a green strip when you turn iPod shuffle on to either position. To turn off iPod shuffle, slide the switch to the Off position (you won't see any green when iPod shuffle is turned off).

Please note that play positions are not determined by the alignment of the switch's edge to any icon or word; you should be able to sense two distinct positions when you slide the switch.

Battery Status button
This slim little button below the switch allows you to see how much battery power iPod shuffle has. Just press the button and feast your eyes on the color of its tiny LED light:

- Green—Good charge.
- Amber—Low charge (this LED color also lights to indicate that iPod shuffle is charging when connected to your computer).
- Red—Very low charge.
- No light—No charge.

Tip: If you want to check the battery status while iPod shuffle is charging, make sure that your computer isn't sleeping, then eject iPod shuffle from iTunes and press the Battery Status button.

USB 2.0 connector
iPod shuffle features a speedy USB 2.0 connector, though it can also transfer files over USB 1.1 if your computer isn't equipped with USB 2.0 ports. This connector allows you to charge the iPod shuffle battery and forge a connection with your computer simultaneously.

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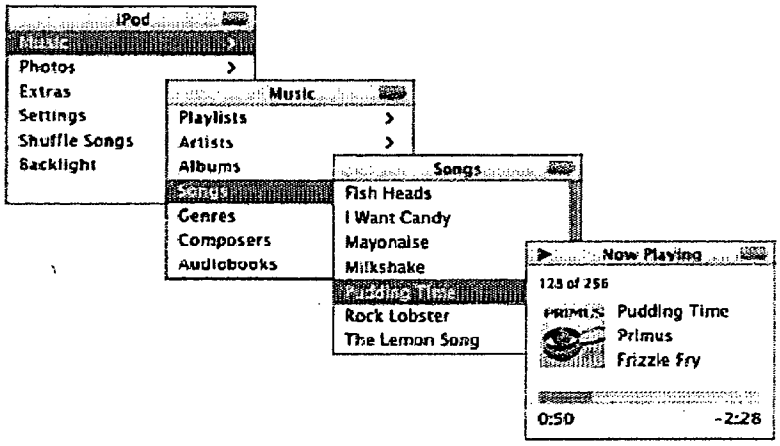
EXHIBIT 12

iPod 101

iPod Anatomy

Lesson 2: What's on the Menu?



Before you can dish it up, you've got to know what's on each menu first.

If you've got an iPod with a display, that LCD screen isn't just for looks—it serves as mission control into the inner workings of your iPod. (iPod shuffle customers can skip to the next lesson since you don't have a display screen.)

Menus allow you to navigate through your iPod content by simply scrolling the Click Wheel to highlight menu items, and pressing the Center button (the button formerly known as Select) to select that item.

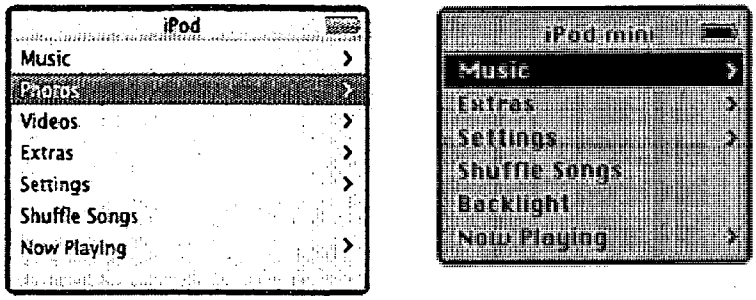
The very first time you turn on your iPod (press any front button), you'll be greeted with a Language menu that lets you choose the language in which your iPod menus are displayed. Scroll the Click Wheel to highlight your preference, then press the Center button. You should now see the main menu.

The menus on an iPod with a color display and an iPod with a monochrome display are almost identical except that iPod with color display models include photo features—and video features on Fifth Generation iPods. Here's a guide to each menu, its submenus, and how to adjust the settings. We'll also show you how to customize the main menu for your needs (be sure to update your iPod with the latest iPod Software to access the features presented here).

- The Main Menu
- The Music Menu
- The Photos[1] Menu
- The Videos[2] Menu
- The Extras Menu
- The Settings Menu
- Customize My Menu

1. On iPod with color display models only.
2. On Fifth Generation iPod models only.

The Main Menu



The main menu screen content for an iPod with color display (Fifth Generation iPod shown left) and iPod mini (right) are almost identical—can you spot the discrepancies (besides the color factor)?

The main menu is the first menu you see when you turn on your iPod, and serves as the starting point to get to what you want. The items in the screens above are the default menu items for that particular iPod model—the ones you'll see if you haven't futzed with any menu customization yet (sit tight—we'll show you how to do this at the end of this lesson).

Music, Photos (on iPod with color display models only), Videos (on Fifth Generation iPods only), Extras, and Settings are all menus in their own right, meaning they feature their own submenu items when you select them. If you see a right arrow (>) icon next to a menu item, that item has its own submenu.

Shuffle Songs and Backlight aren't menus (notice that they don't have the arrow icon?)—they're player features. If you scroll the Click Wheel to Shuffle Songs and then press the Center button to select it, one of the songs in your iPod will begin playing (if you have songs on your iPod), and all subsequent songs will be played in random order.

If you scroll to Backlight (this appears in all iPod main menus by default except the Fifth Generation iPod—you can turn on the Backlight menu display in Settings) and select it, you'll turn on the LCD's backlight, which allows you to see your screen in the dark. iPods with a color display turn on the backlight whenever you scroll the Click Wheel or press a button. Select Backlight again to turn it off, or do nothing for a set amount of time and the backlight will turn itself off automatically (see the Backlight Timer section in "The Settings Menu").

The Now Playing menu only appears if your iPod has a song playing or paused. When you select it, you'll see the Now Playing screen, which details your song's name, artist, album, and how far along it is in its progress. Of course, if you're listening to an audiobook or podcast, you'll see the details for those items (book author, podcast episode, or what have you).

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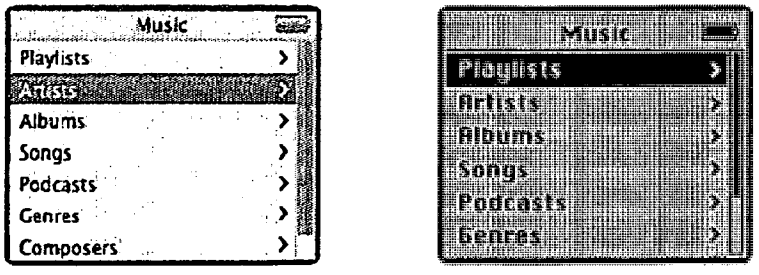
The Music Menu



Whether you're looking at an iPod with color display (left) or an iPod mini screen (right) you'll find identical items in the Music menu.

To view the Music menu, highlight Music in the main menu and press the Center button. This menu allows you to find all the songs, audiobooks, and podcasts on your iPod in a number of ways. From top to bottom, here are the submenu items in the Music menu along with the content that each submenu ultimately leads you to as you select items (we'll show you how to browse your audio content in "Play That Funky Music").

- Playlists (Music > Playlists > *your playlists* > *songs in the playlist*)
- Artists (Music > Artists > *artist's albums* > *songs on album*)
- Albums (Music > Albums > *songs on album*)
- Songs (Music > Songs > *all song titles*)
- Podcasts (Music > Podcasts > *all podcast episodes*)
- Genres (Music > Genres > *corresponding artists* > *artist's albums* > *songs on album*)
- Composers (Music > Composers > *corresponding albums* > *corresponding songs on album*)
- Audiobooks (Music > Audiobooks > *all audiobook titles*)

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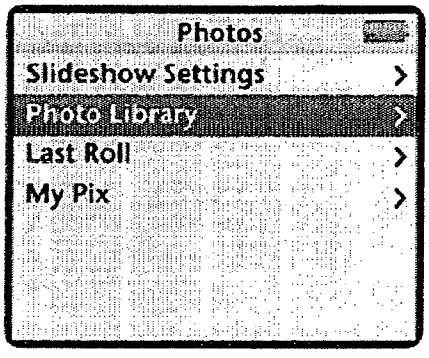
The Photos Menu



If you have an iPod with a color display, you'll see a Photos menu on your iPod that'll allow you to proudly show off your pictures to anyone who passes by.

If your iPod has a color display, your music player can do double-duty as a photo viewer from the Photos menu. To view the Photos menu, select Photos from the main menu. Depending on how you set your photo-syncing preferences in iTunes, your Photos menu content may vary from our screen above.

If you have photos on your iPod, you'll see Slideshow Settings and Photo Library displayed as the top two menu items. Any iPhoto (Mac), Adobe Photoshop Album (Windows), or Adobe Elements (Windows) photo albums and grouped content you've set to sync will appear below these two items. Here's where you'll wind up when you select items in each of these submenus (we'll cover all the photo features in detail in "Show Me My Photos and Videos").

- Slideshow Settings (Photos > Slideshow Settings > *customizable settings*)
- Photo Library (Photos > Photo Library > *thumbnails* > *full screen view*)
- Synced Photo Album or Folder (Photos > *synced photo album or folder* > *thumbnails* > *full screen view*)

When you highlight an image and press the Center button when viewing photos as *thumbnails*, small graphical representations of your photos, you'll see the selected thumbnail in full screen mode. If you press the Play/Pause button, your iPod will parade your photos as a slideshow.

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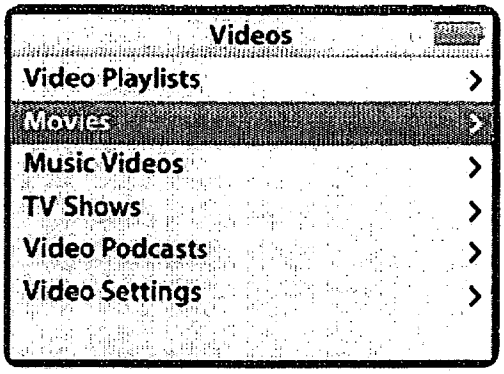
The Videos Menu



If you have the latest iPod, you can watch videos right on your player—just access the Videos menu.

If you have a Fifth Generation iPod, you can watch music videos, TV shows, movies, and even video podcasts right on your iPod. To view the Videos menu, select Videos from the main menu. Depending on what kind of videos you have on your iPod, your Videos menu content may vary from ours. Here's what you'll find in each of the Videos menu's submenus.

- Video Playlists (Videos > Video Playlists > *all video playlists*)
- Movies (Videos > Movies > *all movies*)
- Music Videos (Videos > Music Videos > Artists > *artist's videos*)
- TV Shows (Videos > TV Shows > *all TV shows*)
- Video Podcasts (Videos > Video Podcasts > *all video podcasts*)
- Video Settings (Videos > Video Settings > *customizable settings*)

To watch a video on your iPod, just select the type of video you want to watch in the Videos menu, select a video in the resulting screen and press the Play/Pause button (we'll cover the video features more in-depth in "Show Me My Photos and Videos").

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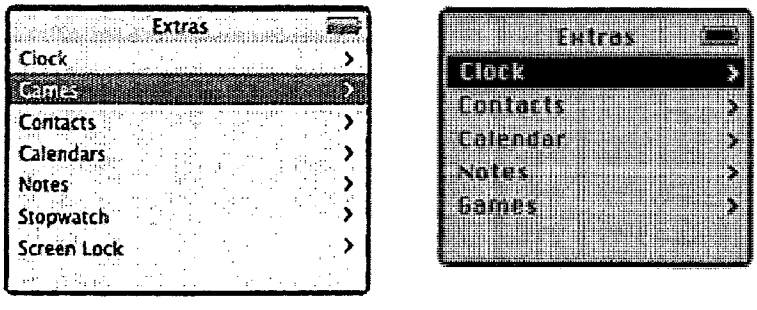
The Extras Menu



Older iPods (such as older iPods with a color display and iPod mini, right) offer some cool Extras items, but Fifth Generation iPods and iPod nano (left) feature some extra Extras.

The Extras menu contains a whole host of features to take your iPod beyond just being your favorite music player. To view the menu, select Extras from the main menu (we'll go into more detail about some of the submenus in "Maximize My Experience"). Here's what you'll find in the Extras menu and where each will lead you to:

- Clock[1] (Extras > Clock > *the time and date*, Alarm Clock, Sleep Timer, and Date & Time *submenus*)
- Clock[2] (Extras > Clock > *world clocks* > Alarm Clock, Change City, Daylight Saving Time, Delete

This Clock, and Sleep Timer *submenus*)

- Games (Extras > Games > Brick, Music Quiz, Parachute, Solitaire > *selected game screen*)
- Contacts (Extras > Contacts > *contact names* > *contact information*)
- Calendars (Extras > Calendars > *calendar list, plus a* To Do *submenu and* Alarms *option*)
- Notes (Extras > Notes > *text files in the Notes folder*)
- Stopwatch[2] (Extras > Stopwatch > Timer, *session logs*)
- Screen Lock[2] (Extras > Screen Lock > Set Combination, Turn Screen Lock On *submenus*)

1. Older iPods with a color display and all monochrome iPods
2. Fifth Generation iPod and iPod nano only.

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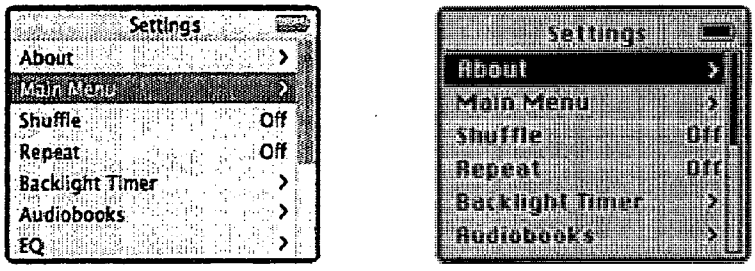
The Settings Menu



Though it's not apparent in this image, the Settings menu items in an iPod with color display (left) differ slightly from an iPod mini (right) due to some feature differences.

The Settings menu allows you to customize what your iPod displays and how. Just select Settings in the main menu to view a slew of items that you can tweak to your liking. Here's what you'll find in the Settings menus for iPod with color display models and iPod mini, what you'll get when you select an item, and what you can change.

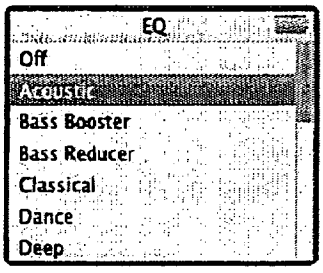
- **About (Settings > About > *iPod information*)**—This screen displays information about your iPod, including the number of songs and photos[1] it contains, its capacity, how much space is left, software version number, the serial number, and the model type.
- **Main Menu (Settings > Main Menu > *list of all items in each menu*)**—This screen lets you determine which menu items to display in the main menu screen. For example, you can put Contacts in the main menu if you don't want to keep navigating to the Extras menu to get to it. We'll show you how to customize your main menu shortly.
- **Shuffle (Settings > Shuffle)**—Lets you toggle the shuffle feature to shuffle Songs or Albums, or turn the feature Off.
- **Repeat (Settings > Repeat)**—Lets you toggle the repeat feature to repeat a song over and over (select One), repeat all songs in the list (select All), or turn the feature Off.
- **Backlight Timer (Settings > Backlight Timer > *duration*)**—This screen lets you set how long the backlight displays before turning itself off. You can select Off, 2 Seconds, 5 Seconds, 10 Seconds, 15 Seconds, 20 Seconds, or Always On.

> **Alone in the dark?**
>
> You can easily turn on the LCD's backlight by pressing and holding the Menu button until the light turns on, rather than sticking the screen up to your eyeball as you hunt for the Backlight control. iPod with color display models always turn on the backlight when you press a button or scroll the Click Wheel. Of course, if you set the backlight to Off, you can turn it on with the same Menu button press.

- **Audiobooks (Settings > Audiobooks > *reading speed*)**—This screen allows you to vary the

reading speed when you're listening to an audiobook file—this is especially helpful if your book narrator is amped up on coffee or has the delivery of a turtle. You can select Slower, Normal, or Faster to suit your listening comprehension.

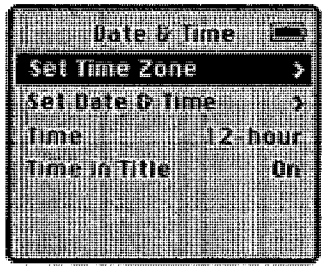
- **EQ (Settings > EQ > *preset equalizer settings*)**—This screen allows you to select an EQ preset to make your music sound even better. The presets cover a wide spectrum of music genres, including Acoustic, Bass Booster, Classical, Dance, Electronic, Flat, Hip Hop, Jazz, Latin, Lounge, Pop, R&B, Rock, Spoken Word, Treble Booster, Vocal Booster, and, of course, Off.



Whether you want to hear your music booming on the bottom or hear the singer's words loud and clear, you'll find plenty of presets in the EQ menu.

- **Compilations[1] (Settings > Compilations)**—Lets you enable the Compilations menu in the Music menu (select On) to browse songs that are grouped in compilations (if you have compilation albums). Select Off to disable this menu.
- **Sound Check (Settings > Sound Check)**—If you use the Sound Check feature in iTunes (it makes all songs play at the same volume) this lets you toggle the same feature On or Off for iPod play (Sound Check must have been activated in iTunes when you copied songs to your iPod for this iPod feature to have any effect).
- **Contrast[2] (Settings > Contrast > *contrast slider control*)**—This screen lets you adjust the contrast of your iPod mini (or older iPod with monochrome display) screen. Scroll the Click Wheel right to make the screen darker, or left to make the screen lighter.

  Clicker (Settings > Clicker)—The clicker is the sound you hear when you scroll the Click Wheel. By default, the Clicker is set to Speaker to make the sound emanate from the internal speaker on your iPod (and no, you can't play music through this speaker). You can also set this to Headphones (plays the sound only through connected headphones), Both (plays the sound through the speaker and headphones), or Off (gets rid of the sound altogether).
- **Date & Time (Settings > Date & Time > Set Time Zone, Set Date & Time, Time, Time in Title)**—This screen allows you to set the time and date on your iPod, as well as how this information should be displayed. Select the Set Time Zone submenu to select your time zone. Select the Set Date & Time submenu to set the date and time (of course!). The Time menu item lets you set the clock for 12-hour or 24-hour time. The Time in Title item lets you choose to have the time displayed in the menu title after briefly displaying a menu's title (select On) or not (select Off).



Your iPod also functions as a fine timepiece so you can keep track of the hours and days you spend in la la la land.

- **Contacts (Settings > Contacts > *sorting and display preferences*)**—This screen includes two menu items. Sort lets you set the criteria for the order in which your contacts appear in your iPod—either by first name (select "First Last") or last name (select "Last, First"). Display lets you set how your contacts' names are displayed in the Contacts menu (select "First Last" or "Last, First").
- **Language (Settings > Language > *languages*)**—All iPods with a display are multilingual,

meaning you can change the default language that appears in your iPod menus and screens. You can select English, German, French, Italian, Japanese, Spanish, or other language. Don't worry; your iPod will still display song titles in their native language no matter what default language you set (for example, English song titles, artists, and albums will still appear in English even if you switch the language to Japanese or Spanish).

- **Legal (Settings > Legal > *copyright, trademark, and other licensing information*)**—Here's where we give credit where credit is due. This screen displays all the copyright, trademark, and licensing information for the companies who've helped make iPod what it is. And it's a nifty place to go if you enjoy staring at the Apple logo.
- **Reset All Settings (Settings > Reset All Settings > *do it or abort*)**—If you get a little too carried away with all your menu customizing, settings tweaking, and whatnot, this screen is your ticket to putting everything back to where it was when you first got your iPod. Select Reset to reset all menus and settings back to the defaults (this doesn't affect any of your audio files, photos[1], contacts, and other data), or Cancel (or press the Menu button) if you want to abort your mission.

1. iPod with color display models only
2. iPod with monochrome display models only

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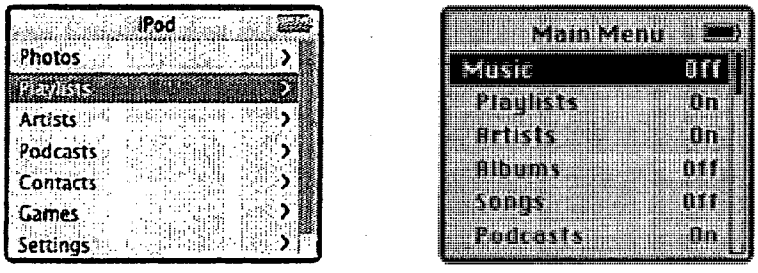
Customize My Menu



If you prefer to order stuff that's not on the main menu, select Settings > Main Menu (right) and create your own custom main menu (left).

We just gave you the grand tour through each of the menus on your iPod, but just because we lined up all the menus in this manner, it doesn't mean that you have to stick with our program. In fact, you can customize the content that appears in the main menu to get to the stuff you care about even faster. Here's how.

1. Select **Settings > Main Menu**. All main menu items (the stuff that appears in the main menu screen by default) appear near the left edge of the screen. Their submenu items appear as indented text below the corresponding menu (see the right screen in the image above).
2. Use the Click Wheel to scroll to any submenu item that you'd like to be able to access from the main menu.
3. Press the Center button to change its Off status to On. This submenu will now appear as a main menu item.
4. If you want to turn off a main menu item, scroll to an item whose status is On and select it to turn it to Off. For example, you might want to turn off the Extras menu and turn on Contacts and Calendars if those are the only Extras items you use.

Don't worry about turning off stuff and not being able to access that menu again. None of the Settings menu items appear in **Settings > Main Menu**, so you can't paint yourself into a corner. If you decide to, say, bring back the Extras menu because you miss Solitaire, just turn on Extras again in **Settings > Main Menu** (or turn on the Games submenu).

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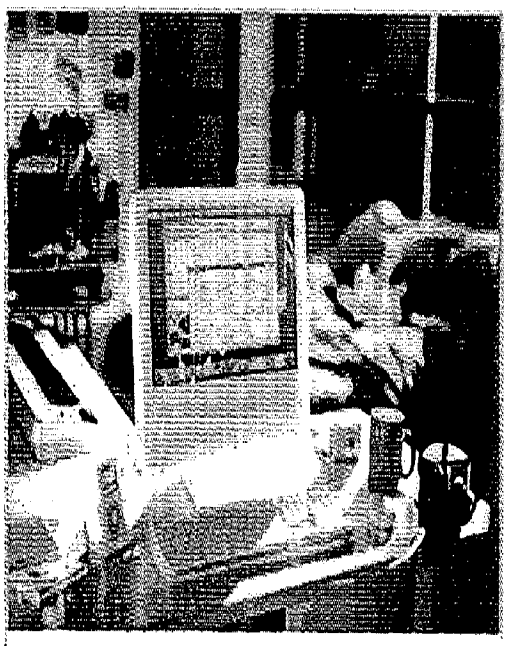
EXHIBIT 13

iPod Tutorial



Play the Movie Learn More

Transferring Your iTunes Music to Your iPod

When you get your iPod, you'll want to start listening to music right away. Transferring songs to your iPod starts with your computer and iTunes. If you don't have iTunes (and the iPod Software) installed on your computer, use the CD that came with your iPod to install it. Then, you can buy songs from the iTunes music store, or import CDs to your iTunes music library.

Once you have songs in your iTunes library, connect your iPod to your computer, and iTunes automatically transfers the music to your iPod. When you add new songs to iTunes, iTunes automatically updates your iPod with the new songs. Just connect your iPod to your computer, and you'll keep all your music updated.

Provide feedback

Home > Support > iPod > Tutorial > Transferring Your iTunes Music to Your iPod

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使用 iPod 19
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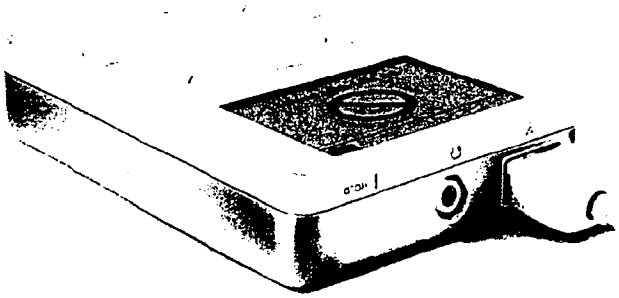
Getting started

iPod for Mac works with iTunes, included with your iPod. Use iTunes to organize music from your CD collection, then transfer songs to iPod for listening on the go. Read on to find out how to get started playing music with iPod.

Connect iPod.

Start up your Macintosh and connect iPod using the included FireWire cable. iPod's battery begins to charge. If you don't already have the latest version of iTunes, install it using the iPod CD.

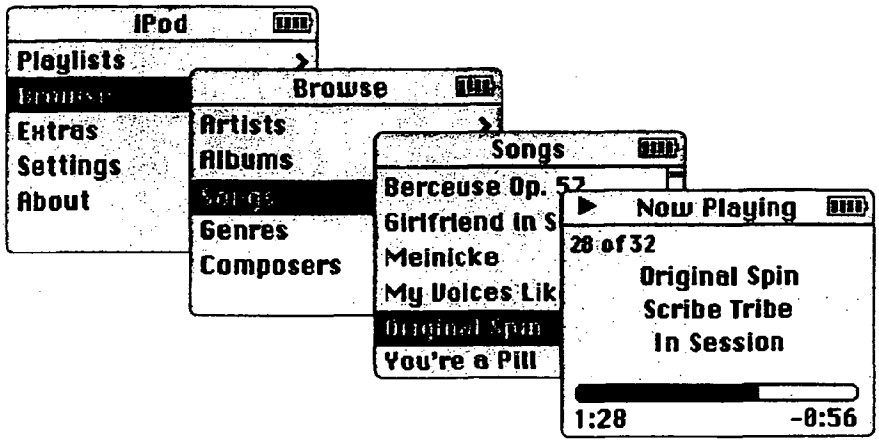


Transfer music.

When iTunes opens, it automatically transfers the songs in your music library to iPod. When the transfer is complete, a message says it's safe to disconnect iPod.

Play music.

Use iPod's scroll wheel and Select button to browse for a song. Then press the Play button and enjoy!



Using iPod

Once you transfer songs to iPod, it's easy to browse for and listen to songs. Read on for tips on using iPod. You can also find information about using iPod in iPod onscreen help and on the Web (see "Learning more, service, and support").

Turning iPod on and off

To turn iPod on, press any button. If a song is paused or no song is playing, iPod turns off automatically after two minutes. To turn iPod off immediately, press and hold the Play button for a few seconds.

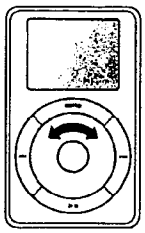
Disabling iPod's buttons using the Hold switch

If you're carrying iPod in your pocket and you don't want to press the buttons accidentally, set the Hold switch to make the buttons inactive.

Turning on the backlight

To turn iPod's backlight on or off, press and hold the Menu button.

Using iPod's controls



Use iPod's buttons and scroll wheel to navigate through iPod's onscreen menus. To select a menu item, use the scroll wheel to scroll to the item, then press the Select button (in the center of iPod). To go back to the previous menu, press the Menu button.

Playing a song

You can browse for songs by artist, album, title, genre, or composer. If you transfer playlists (songs you've organized into lists) from iTunes to iPod, you can also browse for songs in playlists.

Select Playlists or Browse in iPod's main menu, then navigate to a song and press the Select button to play the song. To play all the songs by an artist, on an album, or in a playlist, press the Play button when the artist, album, or playlist name is highlighted.

Changing the volume

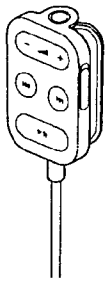
If you see the Now Playing screen, which shows the title of the song playing, you can use the scroll wheel to adjust the volume. If you don't see the Now Playing screen, select Now Playing in the main menu.

You can also use the Apple iPod Remote (available with some models) to adjust the volume.

Transferring music

By default, iPod is set to transfer music automatically when you connect it to your computer. You can also transfer and delete individual songs manually. To change iPod's settings, select its icon in iTunes and click the Options button.

Using the Apple iPod Remote



To use the iPod Remote, connect it to iPod's headphones port, then connect the Apple Earphones (or another set of headphones) to the remote. Use the remote to adjust volume, play or pause a song, fast-forward and rewind, and skip to the next or previous song. Set the remote's Hold switch to disable the remote's buttons.

The iPod Remote is included with some models of iPod and can be purchased separately at **www.apple.com/store**

Importing addresses and phone numbers

Your iPod can store up to a thousand contacts for viewing on the go.

1 Connect iPod and open your favorite email or contacts application. Importing contacts works with Mac OS X Address Book, Palm Desktop, and Microsoft Entourage, among others.

2 Drag contacts from the application's address book to iPod's Contacts folder. iPod must be enabled for use as a FireWire hard disk.

3 Unmount and disconnect iPod. Select Extras in the main menu, then select Contacts to view your contacts. For more information, see iPod Help, available in the iTunes Help menu.

Importing calendar events

Your iPod can store events from any calendar application that uses the standard "ical" format (file names end in .ics). Export calendar events and place them in the Calendars folder on iPod. To view calendar events, select Extras in iPod's main menu, then select Calendar.

Changing settings

Select Settings in iPod's main menu to change settings. You can set iPod to shuffle or repeat songs, change equalizer settings, set a backlight timer, and more (see "Learning more, service, and support" for more information).

Charging the battery

To charge iPod's battery, connect iPod to your Macintosh (turned on and not in sleep mode). Or connect it to the iPod Power Adapter (included) and plug the adapter into a working electrical outlet. iPod's battery is 80-percent charged in about an hour, and fully charged in 4 hours. If the battery icon on iPod's screen is not animated, its battery is fully charged.

Software Update

Apple periodically updates iPod's software to improve performance or add features. To download the iPod Software Updater application, go to **www.apple.com/ipod**

Tips and troubleshooting

Read on for advice about using and troubleshooting iPod.

What are the iPod for Macintosh system requirements?

You can use iPod with a computer and software that meet the following requirements:

- Macintosh computer with built-in FireWire
- Mac OS X v10.1.4 or later and iTunes 3 or later, or
- Mac OS 9.2.1 or later and iTunes 2 or later

My iPod won't turn on or respond.

- Make sure iPod's Hold switch is off.
- If you're using the Apple iPod Remote, make sure the remote's Hold switch is off.
- If that doesn't work, connect iPod to the iPod Power Adapter and connect the adapter to a working electrical outlet. Your iPod battery may need to be recharged.

- If that doesn't work, your iPod may need to be reset. While the iPod is connected to power, press and hold the Play and Menu buttons for at least 5 seconds, until the Apple logo appears.
- If that doesn't work, you may need to restore iPod's software. To download the iPod Software Updater application, go to **www.apple.com/ipod**

My iPod isn't playing music.

- Make sure the Hold switch is off.
- Make sure the earphone connector is pushed in all the way.
- Make sure the volume is turned up.
- If that doesn't work, push the Play/Pause button. Your iPod may be paused.

When I connect my iPod to my computer, nothing happens.

- Make sure you have the required system software and version of iTunes. See "What are the iPod for Macintosh system requirements?" above,
- Check the FireWire connections. Unplug the FireWire cable at both ends and make sure no foreign objects are in the FireWire ports. Then plug the cable back in securely. Use only the Apple 6-pin to 6-pin FireWire cable.

- If that doesn't work, restart your computer.
- If that doesn't work, your iPod may need to be reset. Connect iPod to the iPod Power Adapter and connect the adapter to a working electrical outlet. Then press and hold the Play and Menu buttons for at least 5 seconds, until the Apple logo appears.
- If that doesn't work, you may need to restore iPod's software. To download the iPod Software Updater application, go to **www.apple.com/ipod**
- For more information, go to the iPod support site at **www.apple.com/support/ipod**

My FireWire port cover came off.

- The FireWire port cover (available with some models of iPod) is designed to be removable. If it comes off, you can reinsert it.

My Apple iPod Remote isn't working.

- Make sure the remote's Hold switch is off.
- Make sure the remote is plugged firmly into iPod's headphones port, and that the Apple Earphones are plugged firmly into the remote.
- The iPod Remote is included with some models of iPod, and can be purchased separately at **www.apple.com/store**

Learning more, service, and support

There is a wealth of information about using iPod in onscreen help and on the Web.

iPod onscreen help

To access iPod Help, open iTunes and choose iPod Help from the Help menu.
In iPod Help, you can find information on

- transferring music and data files to iPod
- automatically updating iPod
- using playlists
- changing settings
- file types supported by iPod
- and more

Online resources

For the latest information on iPod, go to **www.apple.com/ipod**
For iPod service and support information, a variety of forums with product-specific information and feedback, and the latest Apple software downloads, go to **www.apple.com/support/ipod**
For international support, go to **www.apple.com/support** and choose your country from the pop-up menu at the bottom of the screen.

Obtaining warranty service

If the product appears to be damaged or does not function properly, please follow the advice in this booklet, the onscreen help, and the online resources. If the unit still does not function, go to **www.apple.com/support** for instructions on how to obtain warranty service.

Communications regulation information

For information on communications regulations, see the file on the iPod CD.

Safety and cleaning

Read on to learn about using iPod safely and cleaning iPod.

Important safety instructions

When setting up and using your iPod, remember the following:

- Read all the installation instructions carefully before you plug your iPod Power Adapter into a power outlet.
- Keep these instructions handy for reference by you and others.
- Follow all instructions and warnings dealing with your iPod.

Warning Electrical equipment may be hazardous if misused. Operation of this product, or similar products, must always be supervised by an adult. Do not allow children access to the interior of any electrical product and do not permit them to handle any cables.

Avoid hearing damage

Warning Permanent hearing loss may occur if earphones or headphones are used at high volume. You can adapt over time to a higher volume of sound, which may sound normal but can be damaging to your hearing. Set your iPod's volume to a safe level before that happens. If you experience ringing in your ears, reduce the volume or discontinue use of your iPod.

Do not use while driving

Important Use of headphones while operating a vehicle is not recommended and is illegal in some areas. Be careful and attentive while driving. Stop listening to your iPod if you find it disruptive or distracting while operating any type of vehicle or performing any other activity that requires your full attention.

Using the power adapter

- Use only the power adapter that came with your iPod. Adapters for other electronic devices may look similar, but they may damage your iPod.
- The only way to shut off power completely to your power adapter is to disconnect it from the power source.
- Always leave space around your power adapter. Do not use this equipment in a location where airflow around the power adapter is confined, such as a bookcase.
- When connecting or disconnecting your power adapter, always hold the power adapter by its sides. Keep fingers away from the metal part of the plug.
- Before connecting the FireWire cable to the power adapter, make sure there are no foreign objects inside the adapter's FireWire port.
- The power adapter for your iPod is a high-voltage component and should not be opened for any reason, even when the iPod is off. If the power adapter needs service, see "Learning more, service, and support."
- Never force a connector into the power adapter FireWire port. If the connector and port do not join with reasonable ease, they probably don't match. Make sure that the connector matches the port and that you have positioned the connector correctly in relation to the port.

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About operating and storage temperatures

- Operate your iPod in a place where the temperature is always between 0 and 35° C (32 to 95° F).
- Store your iPod in a place where the temperature is always between –20 and 45° C (-4 to 113° F).
- iPod's battery life may shorten in low-temperature conditions.
- When you are using your iPod or charging the battery, it is normal for the bottom of the case to get warm. The bottom of the iPod case functions as a cooling surface that transfers heat from inside the unit to the cooler air outside.

Avoid wet locations

Warning To reduce the chance of shock or injury, do not use your iPod in or near water or wet locations.

- Keep your iPod and power adapter away from sources of liquids, such as drinks, wash basins, bathtubs, shower stalls, and so on.
- Protect your iPod and the power adapter from direct sunlight and rain or other moisture.
- Take care not to spill any food or liquid on iPod or its power adapter. If you do, unplug iPod before cleaning up the spill.

Depending on what you spilled and how much of it got into your equipment, you may have to send your equipment to Apple for service. See "Learning more, service, and support."

Do not make repairs yourself

Warning Do not attempt to open your iPod or power adapter, disassemble it, or remove the battery. You run the risk of electric shock and voiding the limited warranty. No user-serviceable parts are inside.

For service, see "Learning more, service, and support."

Cleaning

Follow these general rules when cleaning the outside of your iPod and its components:

- Make sure your iPod is unplugged.
- Use a damp, soft, lint-free cloth. Avoid getting moisture in openings.
- Don't use aerosol sprays, solvents, alcohol, or abrasives.

About handling

Your iPod may be damaged by improper storage or handling. Be careful not to drop your iPod when playing or transporting the device.

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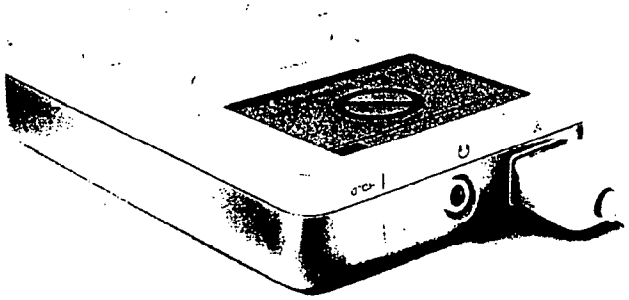
使用入門

iPod（Mac 版）可與 iTunes（iPod 隨附軟體）搭配使用。您可以使用 iTunes 來整理光碟收藏集中的音樂，然後將歌曲傳送至 iPod 供您隨身聆聽。請繼續閱讀以瞭解如何開始使用 iPod 播放音樂。

連接 iPod。

啟動 Macintosh 電腦並使用 FireWire 接線連接 iPod。iPod 的電池會開始充電。若電腦尚未安裝最新版的 iTunes，請使用 iPod 光碟進行安裝。

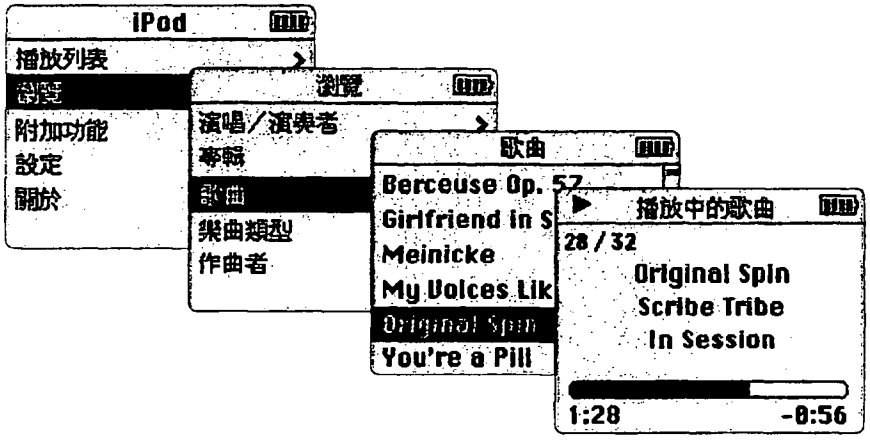


傳送音樂。

打開 iTunes 之後，它會自動將音樂資料庫的歌曲傳送到 iPod 上。傳送完畢後，會出現一個訊息告訴您可以拔下 iPod 的接線。

播放音樂。

使用 iPod 的轉盤和“選擇”按鈕來瀏覽歌曲。然後按下“播放”按鈕開始欣賞音樂！



使用 iPod

只要將歌曲傳送至 iPod，即可輕鬆地瀏覽和聆聽歌曲。請繼續閱讀以了解使用 iPod 的訣竅。您也可以在 iPod 的螢幕輔助說明和網站（請參閱“其他相關內容、服務和技術支援資訊”），查詢使用 iPod 的相關資訊。

啟動和關閉 iPod

按任意按鈕即可開啟 iPod。若暫停播放歌曲或未播放任何歌曲，iPod 會在兩分鐘後自動關閉。若要立即關閉 iPod，請按住“播放”按鈕數秒鐘。

使用 Hold（鎖定）開關停用 iPod 的按鈕

若要將 iPod 放入置物袋隨身攜帶，但不希望在無意中按到按鈕，您可以使用 Hold（鎖定）開關來讓 iPod 上的按鈕暫時無法作用。

打開背光燈

您可以按住 Menu（選單）按鈕來打開或關閉 iPod 的背光燈。

使用 iPod 的控制項目

使用 iPod 的按鈕和轉盤來瀏覽 iPod 螢幕選單。若要選取選單上的項目，請使用轉盤轉動至該項目，然後按下“選擇”按鈕（位於 iPod 中央）。若要返回上一個選單，請按下 Menu（選單）按鈕。

播放歌曲

您可以依演唱 / 演奏者、專輯、歌曲名稱或作曲者來瀏覽歌曲。若將 iTunes 上的播放列表（已整理至列表的多首歌曲）傳送至 iPod 上，您也可以瀏覽此播放列表中的歌曲。

在 iPod 的主選單中選取“播放列表”或“瀏覽”，然後瀏覽歌曲並按下“選擇”來播放歌曲。 若要播放同一演唱 / 演奏者、專輯或播放列表上的所有歌曲，在反白選取演唱 / 演奏者、專輯或播放列表名稱時，請按下“播放”按鈕。

調整音量

若出現“播放中的歌曲”螢幕（用來顯示正在播放歌曲的名稱），您可以使用轉盤來調整音量。若未出現“播放中的歌曲”螢幕，請在主選單中選取“播放中的歌曲”。

您也可以使用 Apple iPod Remote（某些 iPod 機型隨機配備）來調整音量。

傳送音樂

將 iPod 連接至電腦時，iPod 會依預設自動將音樂傳送至電腦上。您也可以手動傳送和刪除個別的歌曲。若要更改 iPod 的設定，請在 iTunes 中選取 iPod 圖像，並按“選項”按鈕一下。

使用 Apple iPod Remote

若要使用 iPod Remote，請將其連接至 iPod 的耳機埠，然後接上 Apple Earphones（耳機）或其他耳機。使用遙控器可以調整音量、播放或暫停歌曲、快轉和倒轉及跳至下一首或上一首歌曲。使用遙控器上的 Hold（鎖定）開關可以停用遙控器上的按鈕。

某些 iPod 機型隨機配備 iPod Remote，您可以參訪 **www.apple.com/store** 網站（英文）。如需購買，請聯絡蘋果授權經銷商。

輸入地址和電話號碼

iPod 可儲存上千筆的聯絡資料供您隨身檢閱。

1 連接 iPod 並打開喜好的電子郵件或通訊錄應用程式。輸入的聯絡資料可與 Mac OS X“通訊錄”、Palm Desktop、Microsoft Entourage 及其他應用程式搭配使用。

2 將應用程式上通訊錄的聯絡資料拖移至 iPod 的 Contacts 檔案夾。請先設定 iPod 作為 FireWire 磁碟使用。

3 卸除並拔下 iPod。在主選單中選取“附加功能”，然後選取“通訊錄”來檢視通訊錄。如需更多資訊，請參閱“iPod 輔助說明”（可於“iTunes 輔助說明”選單中取得）。

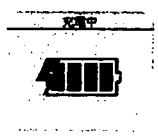
輸入行事曆事件

iPod 可儲存所有行事曆應用程式上使用標準“ical”格式（檔名以 .ics 結尾）的事件。輸出行事曆事件，並將其放置在 iPod 上的 Calendars 檔案夾。若要檢視行事曆事件，請在 iPod 主選單中選取“附加功能”，然後選取“行事曆”。

更改設定

在 iPod 的主選單中選取“設定”來更改設定。您可以設定 iPod 來亂序或重複播放歌曲、更改等化器設定、設定背光燈計時器和進行其他設定（請參閱“其他相關內容、服務和技術支援資訊”以瞭解更多資訊。）

為電池充電



若要為 iPod 的電池充電，請將 iPod 連接至 Macintosh 電腦，（電腦必須開啟，且未進入睡眠狀態）。或者將 iPod 連接至 iPod Power Adapter（隨機配備），並將轉換器接上可用的電源插座。iPod 可在約 1 小時的時間達到 80% 的充電量，約 4 小時左右可儲滿電量。若 iPod 螢幕上的電池圖像沒有閃動，則表示電池已完全充電。

軟體更新

蘋果電腦會定期更新 iPod 的軟體以提升效能和增加功能。若要下載最新版的 iPod Software Updater 應用程式，請參訪 **www.apple.com.tw/ipod** 網站。

使用訣竅與疑難排解

請繼續閱讀以瞭解使用 iPod 和解決 iPod 問題的建議。

iPod（Macintosh 版）的系統環境需求？

您可以將 iPod 與符合下列需求的電腦和軟體搭配使用：

- 內建 FireWire 的 Macintosh 電腦
- Mac OS X v10.1.4 或以上版本和 iTunes 3 或以上版本，或
- Mac OS 9.2.1 或以上版本和 iTunes 2 或以上版本

iPod 無法開啟或沒有回應。

- 確定 iPod 的 Hold（鎖定）開關為停用狀態。
- 若正在使用 Apple iPod Remote，請確定遙控器上的 Hold（鎖定）開關為停用狀態。
- 若上述方法無效，請將 iPod 連接至 iPod Power Adapter，並將轉換器接上可用的電源插座。iPod 的電池可能需要充電。

- 若上述方法無效，您必須重置 iPod。當 iPod 接上電源時，請按住“播放”和 Menu（選單）按鈕至少 5 秒鐘，直到蘋果圖像出現為止。
- 若上述方法無效，您必須重新安裝 iPod 的軟體。若要下載 iPod Software Updater，請參訪 **www.apple.com.tw/ipod** 網站。

iPod 無法播放音樂。

- 確定 Hold（鎖定）開關為停用狀態。
- 確定耳機接頭已插入到底。
- 確定音量已調高。
- 若上述方法無效，請按下“播放 / 暫停”按鈕。可能是已暫停使用 iPod 。

當 iPod 連接至電腦時，電腦沒有回應。

- 確定已安裝所需系統軟體和最新版的 iTunes。請參閱上述的“iPod（Macintosh 版）的系統環境需求？”。
- 檢查 FireWire 連線。拔下 FireWire 兩端的接線並確定 FireWire 埠中沒有異物。
  然後再將接線緊密的接上。只能使用蘋果電腦的 6 針對 6 針 FireWire 接線。

- 若上述方法無效，請重新開機。
- 若上述方法無效，您必須重置 iPod。請將 iPod 連接至 iPod Power Adapter，並將轉換器接上可用的電源插座。然後按住“播放”和 Menu（選單）按鈕至少 5 秒鐘，直到蘋果圖像出現為止。
- 若上述方法無效，您必須重新安裝 iPod 的軟體。若要下載 iPod Software Updater 應用程式，請參訪 **www.apple.com.tw/ipod** 網站。
- 若上述方法無效，請參訪 iPod 支援網站，網址：**www.apple.com/support/ipod**（英文）。

FireWire 埠保護蓋脫落。

- FireWire 埠的保護蓋（某些 iPod 機型隨機配備）是可拆卸的。如果保護蓋脫落，您可以重新將其裝上。

Apple iPod Remote 無法使用。

- 確定遙控器的 Hold（鎖定）開關為停用狀態。
- 確定遙控器已牢固地連接至 iPod 的耳機埠，且 Apple Earphones（耳機）已牢固地接上遙控器。
- 某些 iPod 機型隨機配備 iPod Remote，您可以參訪 **www.apple.com/store** 網站（英文）。如需購買，請聯絡蘋果授權經銷商。

其他相關內容、服務和技術支援資訊

您可以在 iPod 螢幕輔助說明和網站上找到關於使用 iPod 的豐富資訊。

iPod 螢幕輔助說明

若要取用“iPod 輔助說明”，請打開 iTunes 並在“輔助說明”選單中選取“iPod 輔助說明”。

在“iPod 輔助說明”中，您可以找到下列資訊：

- 將音樂和資料傳送至 iPod
- 自動更新 iPod
- 使用播放列表
- 更改設定
- iPod 可支援的檔案類型
- 其他相關內容

線上資源

如需關於 iPod 的最新資訊，請參訪 **www.apple.com.tw/ipod** 網站。

如需 iPod 服務和技術支援資訊、特定產品資訊的各式討論群組，及最新的蘋果軟體更新下載項目，請參訪 **www.apple.com/support/ipod** 網站（英文）。

如需國際性的支援服務，請參訪 **www.apple.com/support** 網站（英文），並在螢幕下方的彈出式選單中選取所在國家或地區。

取得保固服務

若產品出現損壞或功能不正常的情況，請遵循此手冊、螢幕輔助說明和線上資源的建議操作。

若還是無法正常操作，請參訪 **www.apple.com/support** 網站（英文），查詢如何取得保固服務的相關資訊。

通訊條例資訊

如需通訊條例的相關資訊，請參考 iPod 光碟上的檔案。

安全與清潔

請繼續閱讀以瞭解關於安全地使用 iPod 和清理 iPod 的資訊。

重要的安全指示

在設定和使用 iPod 時，請記住下列事項：

- 將 iPod Power Adapter 插入牆上插座之前，必須先仔細閱讀所有的安裝說明文件。
- 將這些說明文件置於隨手可取得的地方，以便您或其他人隨時參考。
- 使用 iPod 時請遵守所有的指示和警告事項。

【警告】 電器用品若使用不當可能會發生危險。使用此種或類似產品時，必須有成年人在旁指導監督。請勿讓兒童接觸任何電器產品的內部組件，也不要讓他們處理接線。

避免聽力受損

【警告】 使用耳機時如果音量過大，可能會導致永久性的聽力受損。如果您長時間在高音量的狀態下聆聽，您或許會因為習慣了這高音量而認為這是正常的音量，但這還是會對您的聽力造成損害。所以請將 iPod 的音量調整至安全適當的大小，以避免聽力受損。如果出現耳鳴的現象，請馬上降低音量或停止使用 iPod。

請勿在開車時使用

【重要事項】我們不建議您在操作機動車輛時使用耳機，此種行為在部份地區可能是違法的。如果您正在開車或從事其他必須全神專注的活動時，請不要使用 iPod，因為它會使您的注意力不能集中。

使用電源轉換器

- 只能使用 iPod 隨附的電源轉換器。其他電器設備的轉換器可能外型相似，但是會損害您的 iPod。
- 將電源轉換器的電力完全關閉的唯一方法就是停止其與電力來源之間的連接。
- 電源轉換器周圍必須留有一定的空間。請不要將電源轉換器置於周圍通風不順暢的地方（例如，在書櫃中）連接使用本設備。
- 連接或斷接電源轉換器時，請握住電源轉換器的邊緣，手指請勿碰觸到兩片金屬交流電插頭的部份。
- 將 FireWire 接線連接至電源轉換器時，請先確定轉換器的 FireWire 埠中沒有異物。
- iPod 的電源轉換器是一種高電壓的電子組件，即使在 iPod 關機時也不得因任何原因將其拆卸打開。如果電源轉換器需要維修服務，請參閱“其他相關內容、服務和技術支援資訊”部份。
- 請勿強行將接頭插入電源轉換器 FireWire 埠。如果接頭和電源轉換器埠無法順利接合，可能是它們不相容。請確定接頭和埠是相容的，並且將接頭對應到正確的連接埠上。

關於操作和存放溫度

- 請在溫度介於攝氏 0 和 35 度（華氏 32 至 95 度）的地方操作 iPod。
- 將 iPod 存放在溫度介於攝氏 -20 至 45 度（華氏 -4 至 113 度）的地方。
- 將 iPod 放置在低溫環境中，可能會縮短 iPod 的電池壽命。
- 當您在使用 iPod 或進行充電時，機殼底部產生微熱是正常的現象。iPod 的機殼底部就像是一個散熱板，將機體內部產生的熱量散發出去。

避免潮溼環境

【警告】 為避免發生電擊或造成傷害，請勿在靠近水或潮濕的環境使用 iPod。

- 讓 iPod 和電源轉換器遠離液體或有水的地方，例如飲料瓶、臉盆、浴缸或淋浴間等。
- 讓 iPod 和電源轉換器遠離直接的陽光照射，並且避免因雨或其他因素而受潮。
- 請不要將食物或液體潑灑在 iPod 或電源轉換器上。如果發生此情形，請立即關閉 iPod 並拔掉電源再進行清理。

視潑灑和濺入機體的程度而定，您可能必須將設備送到蘋果的服務供應商進行維修。請參閱“其他相關內容、服務和技術支援資訊”部份。”

請勿自行維修

【警告】 請勿嘗試打開 iPod 或電源轉換器、解體或拆卸電池。這樣可能會導致電擊和使產品的保固失效。iPod 本身沒有使用者可以自行維修的部份。

關於維修服務的相關資訊，請參閱“其他相關內容、服務和技術支援資訊”部份。

清潔

請依照以下的一般規則來清理 iPod 的外部及其組件：

- 請先確定 iPod 已經關機並拔掉電源。
- 使用微濕、柔軟且沒有線頭的布料輕輕擦拭。並避免讓機身的開口處受潮。
- 請勿使用噴霧劑、溶劑、酒精或研磨劑。

關於處理使用

不適當的儲存或處理可能會對 iPod 造成損害。請小心播放或運送本設備，不要使其摔落地面。

apple.com

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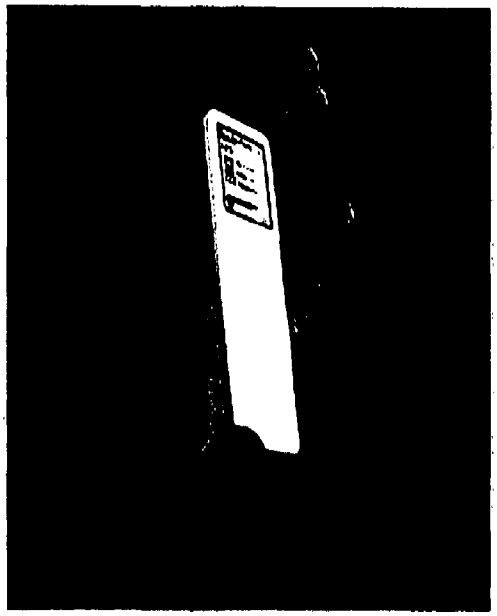
EXHIBIT 15

iPod Tutorial



Play the Movie Learn More

Finding and Playing Songs on Your iPod

After you've transferred music from iTunes to your iPod, you'll want to start listening right away. No matter how many songs you have, you can find the right one with iPod's easy-to-use interface. Just use the Click Wheel to browse through your music by playlist, song, artist, album, or genre.

You can use the iPod controls to adjust the volume, jump to a specific location in a song, or customize settings. When you're on the move, use the hold switch to disable the controls so you don't accidentally press one of the buttons, interrupting your music.

Provide feedback

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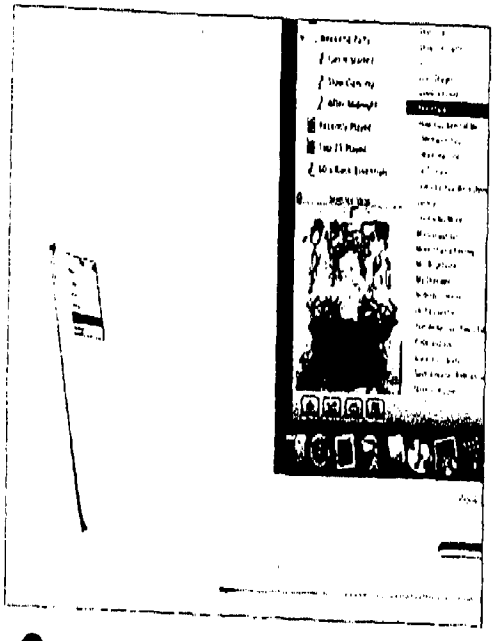
EXHIBIT 16

iPod Tutorial



Play the Movie

Learn More

Working with Playlists on Your iPod

One of the great things about iTunes is how easy it is to group songs from different albums and artists into playlists. It's like making a mix tape, but easier. You can create playlists with common themes or moods, or make a collection of dance songs for a party.

Listening to a workout playlist is a lot more convenient than trying to find the right song while you're at the gym. You can even create a special kind of playlist right on your iPod called an On-The-Go playlist.

Provide feedback

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EXHIBIT 17

iPod

User's Guide

Contents

3 **Quick Start**
5 What You Need to Get Started
8 Setting Up iPod to Play Music

12 **Using iPod**
12 Using iPod Controls
19 Connecting and Disconnecting iPod
24 Organizing and Transferring Your Music
32 Transferring and Viewing Digital Photos
44 Adjusting iPod Settings
48 Using the Extra Features of Your iPod
53 Charging the iPod Battery
57 iPod Accessories

60 **Tips and Troubleshooting**

68 **Learning More, Service, and Support**

70 **Safety and Cleaning**

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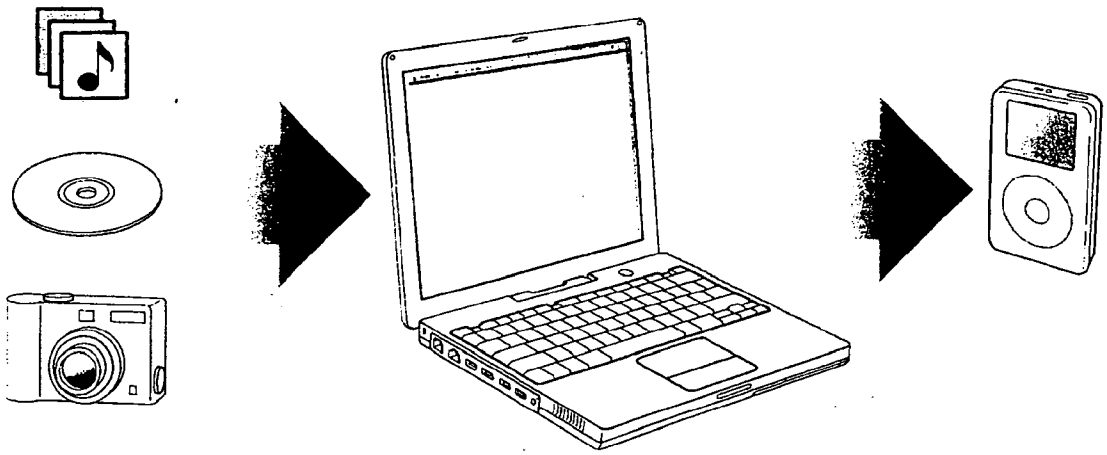
Quick Start

Congratulations on purchasing your iPod. Read this section to get started using iPod quickly.

iPod works with your computer. Import and organize songs and photos on your computer, then transfer them to iPod for listening and viewing on the go.



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Learning to Use iPod

Read this chapter to set up iPod and get started playing music quickly. To learn more about playing music on iPod and using some of its other features, see "Using iPod" on page 12.

iPod Tutorial

For an interactive tutorial on transferring music to and playing music on iPod (available in some countries only), go to www.apple.com/support/ipod.

iPod Features

iPod is a music player and much more. With iPod, you can:

- Store thousands of songs from your music collection, for listening on the go
- Store thousands of digital photos, for backing up or viewing on the go
- Import photos directly from most digital cameras (using the optional iPod Camera Connector)
- View photos as a slideshow with music on a television, using the optional iPod AV Cable
- Listen to audiobooks purchased from the iTunes Music Store or audible.com
- Arrange your music in On-The-Go playlists
- Store or back up files and other data, using iPod as an external hard disk
- Change equalizer settings to make music sound better
- Store and synchronize contact, calendar, and to-do list information from your computer
- Record voice memos, using an optional microphone
- Play games, store text notes, set an alarm, and more

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What You Need to Get Started

To use iPod with a Macintosh, you must have:

- A Macintosh with:
  - Built-in high-power USB 2.0
  - Or built-in FireWire and the optional iPod Dock Connector to FireWire Cable (available for purchase at www.apple.com/ipodstore)

High-power USB 2.0 port

6-pin FireWire 400 port

- Mac OS X v10.2.8, or Mac OS X v10.3.4 or later
- iTunes 4.7 or later (iTunes is included on the iPod CD)

  To be sure you have the latest version of iTunes, go to www.apple.com/itunes.
- iPod software (included on the iPod CD)
- iPhoto 4.0.3 or later (recommended for transferring photos and albums to iPod)

  Note: iPhoto may already be installed on your Mac. Check the Applications folder. iPhoto is also part of a suite of applications called iLife, available for purchase at www.apple.com/ilife. If you have iPhoto 4 you can update it by choosing Apple (🍎) > Software Update. This software is optional. iPod can also import digital photos from folders on your computer's hard disk, and directly from most digital cameras (using the optional iPod Camera Connector).

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To use iPod with a Windows PC, you must have:

- A Windows PC with:
  - Built-in high-power USB 2.0 (or a high-power USB 2.0 card installed)
  - Or built-in FireWire (or a FireWire card installed) and the optional iPod Dock Connector to FireWire Cable (available for purchase at www.apple.com/ipodstore)

High-power USB 2.0 port

6-pin FireWire 400 port (IEEE 1394)

For more information about compatible FireWire and USB cards, go to www.apple.com/ipod.

- Windows 2000 with Service Pack 4 or later, or Windows XP Home or Professional with Service Pack 2 or later
- iTunes 4.7 or later (iTunes is included on the iPod CD)

  To be sure you have the latest version of iTunes, go to www.apple.com/itunes.
- iPod software (included on the iPod CD)

Note: iPod can import photo collections automatically from Adobe Photoshop Album 1.0 or later, and Adobe Photoshop Elements 3.0 or later, available at www.adobe.com. This software is optional. iPod can also import digital photos from folders on your computer's hard disk, and directly from most digital cameras (using the optional iPod Camera Connector).

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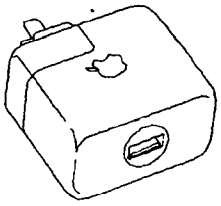
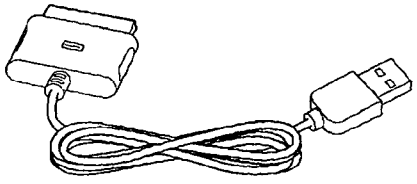
Your iPod includes the following components:

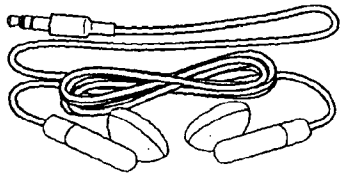
iPod



iPod USB Power Adapter



iPod Dock Connector to USB 2.0 Cable



Apple Earphones

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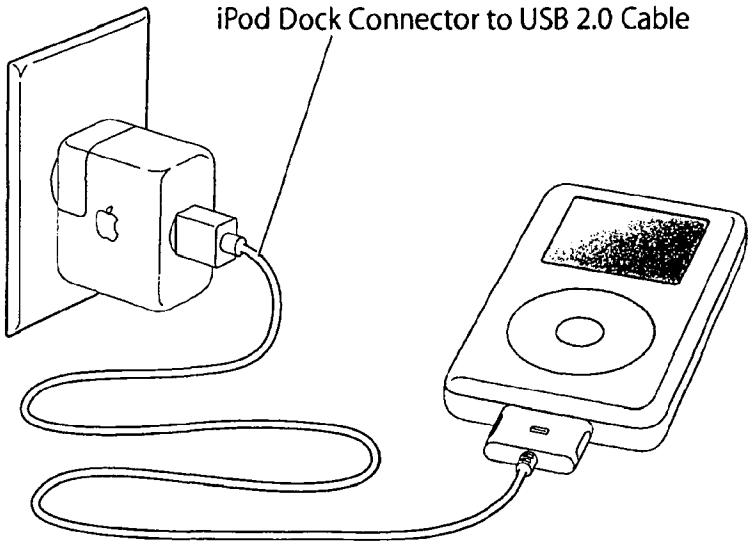
Setting Up iPod to Play Music

To set up iPod, you charge the battery, install software from the iPod CD, and import songs from your music CD collection or from the iTunes Music Store (available in some countries only). Then you transfer the songs to iPod for listening on the go.

To import and view photos on iPod, follow the instructions in this chapter to set up iPod, then see "Transferring and Viewing Digital Photos" on page 32.

Step 1: Charge the Battery

Connect iPod to the iPod Power Adapter using the iPod Dock Connector to USB 2.0 Cable. The built-in battery is 80-percent charged in about three hours, and fully charged in about five hours.



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Step 2: Install the Software
Insert the iPod CD into your computer and install iTunes and the iPod software.

Step 3: Import Music to Your Computer
Complete this step if you haven't already transferred music to your computer. You can import music from your audio CDs, or if you have an Internet connection, you can buy music online and download it to your computer using the iTunes Music Store. You can browse over a million songs and listen to a 30-second preview of any song.

To import music to your computer from an audio CD:

1 Insert a CD into your computer.

iTunes opens automatically and the CD is selected in the iTunes Source list.

2 Deselect songs you don't want to transfer, then click Import.

3 Repeat for any other CDs with songs you'd like to import.

To buy music online:

1 Open iTunes and click Music Store in the Source list.

2 Click the Account button and follow the onscreen instructions to set up an account or enter your existing Apple Account or America Online (AOL) account information (this option is available in some countries only).

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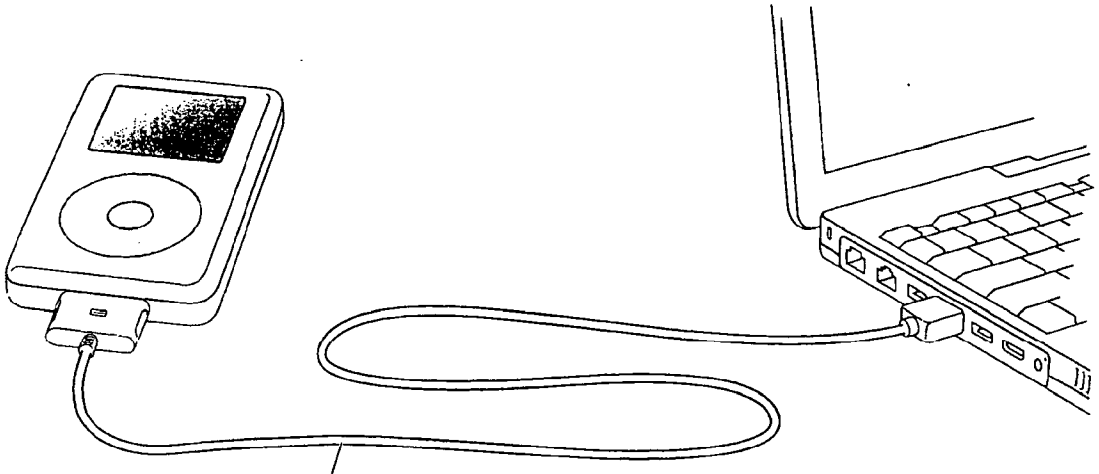
Step 4: Connect iPod and Transfer Music

Connect iPod to your computer using the included iPod Dock Connector to USB 2.0 Cable.



If you are connecting to a high-power USB 2.0 port, use the iPod Dock Connector to USB 2.0 Cable. If you are connecting to a FireWire 400 port, use an iPod Dock Connector to FireWire Cable (available separately).

To transfer songs to iPod:

When you connect iPod to your computer, iTunes opens. Follow the simple onscreen instructions to transfer songs and playlists to iPod.

Note: Be sure you have charged the battery using the iPod Power Adapter before you transfer songs to iPod. See "Charging the iPod Battery" on page 53 for more information.

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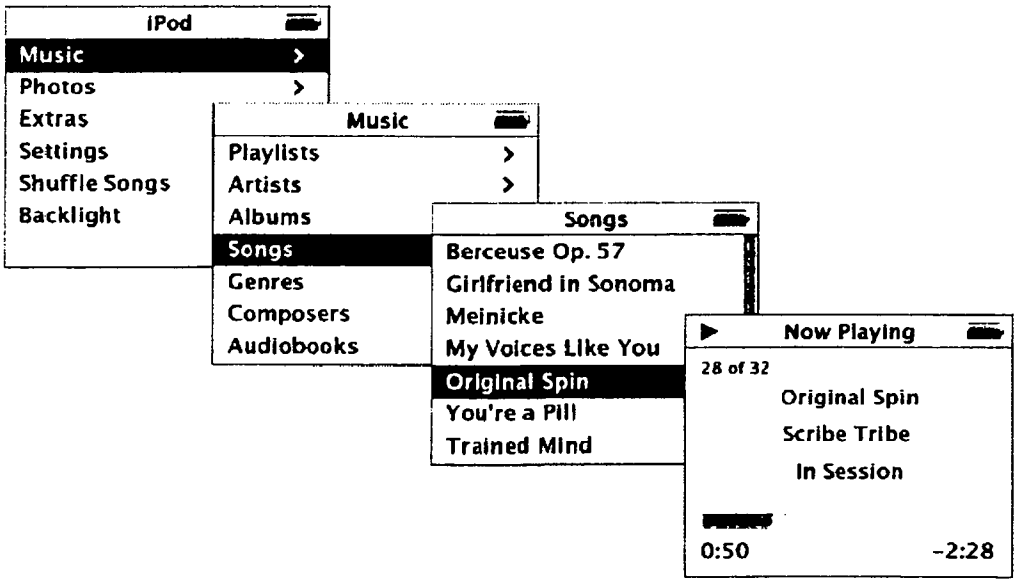
If your Windows PC doesn't have a high-power USB 2.0 port or a 6-pin FireWire 400 (IEEE 1394) port, you can purchase and install a USB 2.0 card or a FireWire card.

For more information on cables and compatible USB and FireWire cards, go to www.apple.com/ipod.

Step 5: Play Music

When the song transfer is complete, a message on the iPod screen says "OK to disconnect." Squeeze both sides of the Dock connector to disconnect the cable from iPod.

Then use the Click Wheel and Select button to browse for a song. Press the Play or Select button and enjoy!



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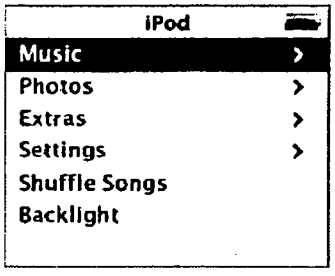
Using iPod

Read this section to learn about using iPod controls, transferring music, transferring and viewing photos, charging the battery, and using the extra features of your iPod.

Using iPod Controls

Press any button to turn on iPod. The main menu appears.



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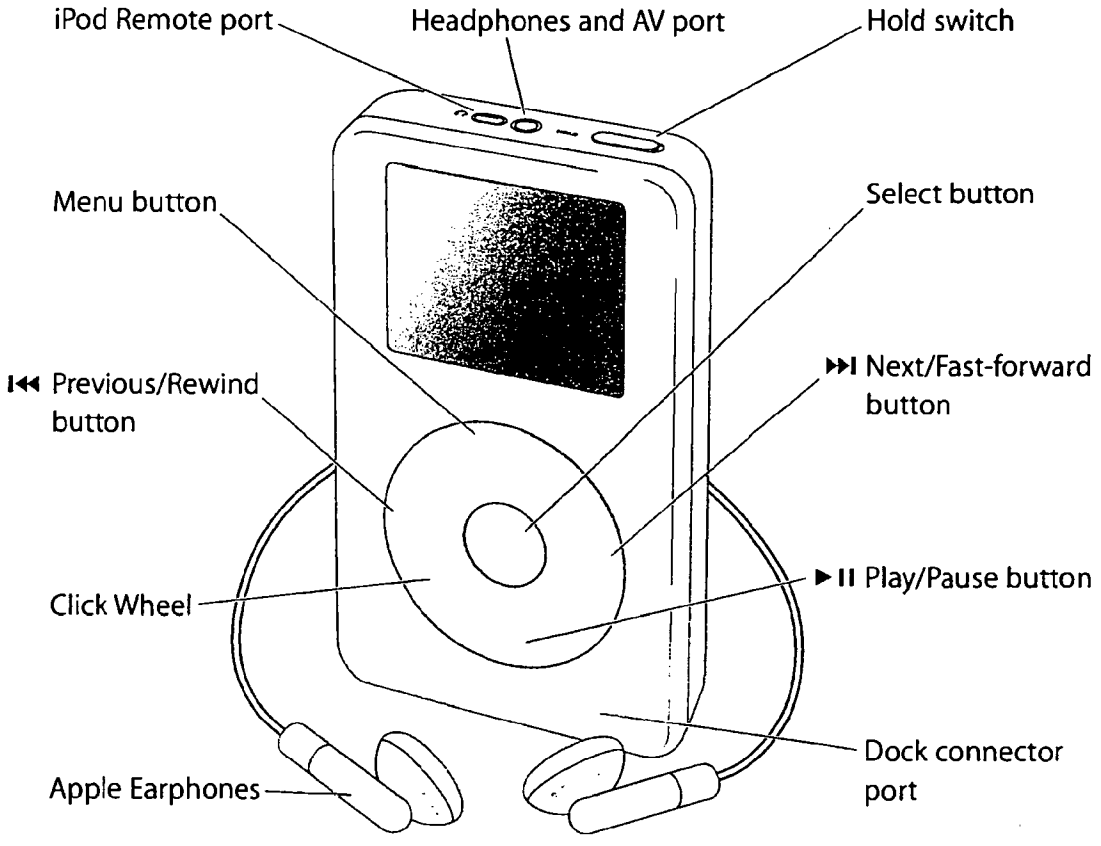
Use the Click Wheel and Select button to navigate through onscreen menus, play songs, change settings, and view information. Move your thumb lightly around the Click Wheel to highlight a menu item. To select the item, press the Select button. To go back to the previous menu, press Menu on the Click Wheel.



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To do this...	Do this
Reset iPod (For use during troubleshooting)	Toggle the Hold switch (set it to Hold, then turn it off again). Then press the Menu and Select buttons simultaneously for about 6 seconds, until the Apple logo appears.
Turn on iPod	Press any button.
Turn off iPod	Press and hold Play/Pause.
Turn the backlight on or off	Press and hold Menu or select Backlight from the main menu.
Select a menu item	Scroll to the item by moving your thumb lightly around the Click Wheel, then press the Select button.
Go back to the previous menu	Press Menu.
Browse for a song	Select Music from the main menu.
Play a song	Highlight the song and press the Select or Play/Pause button. iPod must be ejected from your computer to play songs.
Play all the songs in a list	Highlight the list title (an album title, or the title of a playlist, for example) and press Play/Pause.
Change the volume	From the Now Playing screen, use the Click Wheel. You can also use the optional iPod Remote (available at www.apple.com/ipodstore) from any screen.
Pause a song	Press Play/Pause when no song or list is highlighted.

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To do this...	Do this
Disable the iPod buttons (So you don't press them accidentally)	Set the Hold switch to Hold (an orange bar appears).
Skip to any point in a song	From the Now Playing screen, press the Select button to show the scrubber bar (if you see album artwork, press it again). Then scroll to any point in the song.
Skip to the next song	Press Next/Fast-forward.
Start a song over	Press Previous/Rewind.
Play the previous song	Press Previous/Rewind twice.
Fast-forward a song	Press and hold Next/Fast-forward.
Rewind a song	Press and hold Previous/Rewind.
Add a song to the On-The-Go playlist	Highlight a song, then press and hold the Select button until the song title flashes.
Scroll through photos	From any photo-viewing screen, use the Click Wheel to scroll back and forth through photos.
Skip to the next or previous screen of photos	From any photo-viewing screen, press Next/Fast-forward or Previous/Rewind.
Start a photo slideshow	Select any photo or album and press Play. Or select any full-screen photo and press the Select button. For more information, see page 32.
Skip to the next or previous photo in a slideshow	Press Next/Fast-forward or Previous/Rewind.

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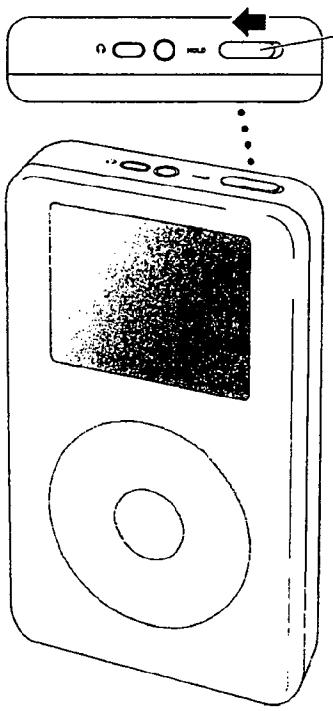
Disabling iPod Buttons Using the Hold Switch

If you're carrying iPod in your pocket and you don't want to press the buttons or turn it on accidentally, you can make the buttons inactive.

- Set the Hold switch to Hold.



Slide the switch toward the center (so you can see the orange bar) to disable the controls.

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Making Playlists on iPod

You can set iPod to play the songs you want in the order you want. When you create a list of songs on your iPod, the songs appear in an On-The-Go playlist.

To create an On-The-Go playlist:

1 Highlight a song and press and hold the Select button until the song title flashes.

2 Repeat step 1 for other songs you want to add.

3 Select Music > Playlists > On-The-Go to view your list of songs.

You can also queue entire lists of songs at once. For example, to queue an album, highlight the album title and press and hold the Select button until the album title flashes.

To play songs in the On-The-Go playlist:

- Select Music > Playlists > On-The-Go and select a song.

To remove a song from the On-The-Go playlist:

- Highlight a song in the playlist, and hold down the Select button until the song title flashes.

To clear the entire On-The-Go playlist:

- Select Music > Playlists > On-The-Go > Clear Playlist.

To save On-The-Go playlists on your iPod:

- Select Music > Playlists > On-The-Go > Save Playlist > Save Playlist.

The first playlist is saved as "New Playlist 1" in the Playlists menu. The On-The-Go playlist is cleared. You can save as many On-The-Go playlists as you like.

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To transfer On-The-Go playlists to your computer:

- If iPod is set to transfer songs automatically (see page 28), and you create an On-The-Go playlist, the playlist automatically transfers to iTunes when you connect iPod. You see the new On-The-Go playlist in the iTunes Source list. You can rename or delete the new playlist, just as you would any other playlist in iTunes.

Rating Songs

You can assign a rating to a song (from 1 to 5 stars) to indicate how much you like it. You can use song ratings to help you create playlists automatically in iTunes (see "About Smart Playlists" on page 27).

To rate a song:

1 Start playing the song.

2 From the Now Playing screen, press the Select button two or three times, until you see the rating screen (showing either bullet points, stars, or a combination of both).

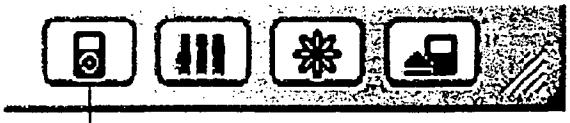
3 Use the Click Wheel to select a rating.

Viewing Album Artwork on iPod

You can set iTunes to allow iPod to display album art, then view the album artwork on iPod.

To set iTunes to allow iPod to display album artwork:

1 Select iPod in the iTunes Source list and click the Options button.



Options button

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2 Choose "Display album artwork on your iPod."

To see album artwork on your iPod:

1 Play a song that has album artwork.

2 From the Now Playing screen, press the Select button. If you don't see artwork, either that song doesn't have album artwork, or you need to set iTunes to allow iPod to display album artwork (see above).

For more information about album artwork, open iTunes and choose Help > iTunes Help.

Connecting and Disconnecting iPod

You connect iPod to your computer to transfer music and photos, and, in most cases, to charge the battery.

To connect iPod to your computer:

- Plug the included iPod Dock Connector to USB 2.0 Cable in to a high-power USB 2.0 port on your computer, then connect the other end to iPod.
- Or, if you have an iPod Dock (see page 22), connect the cable to a high-power USB 2.0 port on your computer and connect the other end to the Dock. Then put iPod in the Dock.

Note: If your computer doesn't have a USB 2.0 port but has a FireWire 400 (IEEE 1394) port, you can use an iPod Dock Connector to FireWire Cable (available for purchase at www.apple.com/ipodstore).

By default, iPod imports songs automatically when you connect it to your computer. When this automatic transfer is done, you can disconnect iPod.

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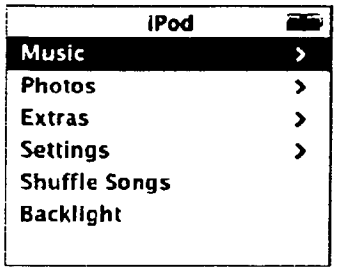
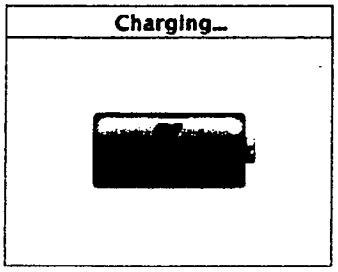
If you connect iPod to a different computer and it is set to transfer songs automatically, iTunes prompts you before transferring any music.

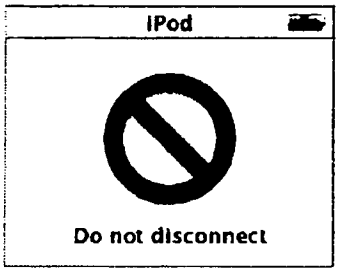
Disconnecting iPod

You shouldn't disconnect iPod while music is being transferred. You can easily see if it's OK to disconnect iPod by looking at the screen.



If you see the main menu or a large battery icon, you can disconnect iPod from your computer.





If you see this message, you must eject iPod before disconnecting it from your computer.

If you set iPod to transfer songs manually (see page 29) or enable iPod for disk use (see page 48), you must eject iPod before disconnecting it.

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To eject iPod:

- Click the Eject button (⏏) next to iPod in the iTunes Source list.

If you're using a Mac, you can also eject iPod by dragging the iPod icon on the desktop to the Trash.

If you're using a Windows PC, you can eject iPod by clicking the Safely Remove Hardware icon in the Windows system tray and selecting your iPod.

To disconnect iPod:

- *If iPod is connected to an iPod cable,* squeeze both sides of the Dock connector to disconnect the cable from iPod.
- *If iPod is in the Dock,* simply remove it.

Important: Don't disconnect iPod if you see the "Do not disconnect" message. You could damage files on iPod. If you see this message, you must eject iPod before disconnecting it.

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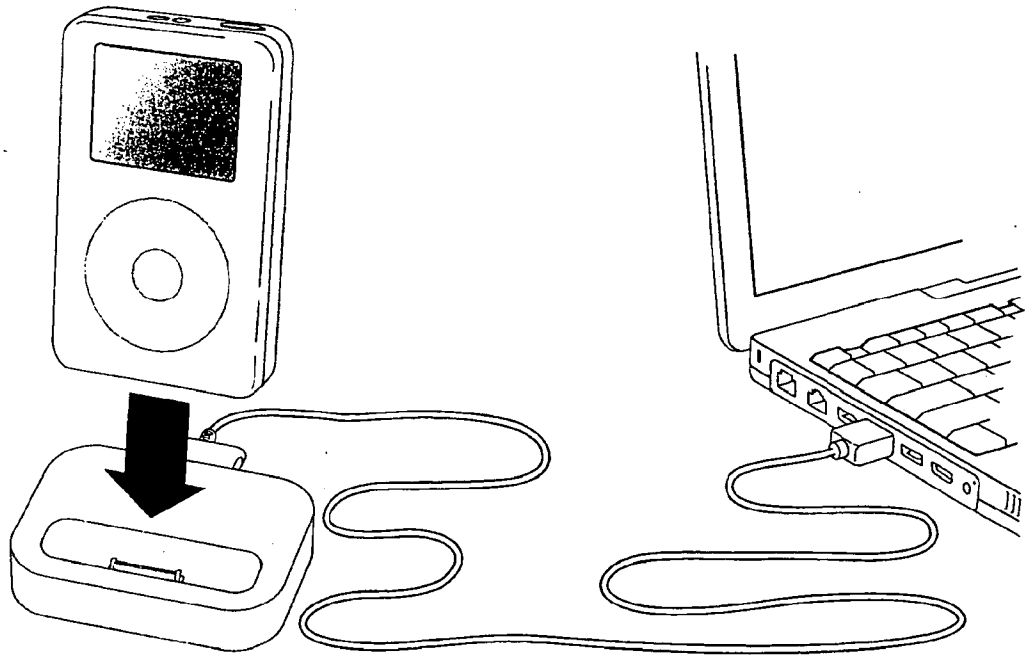
Connecting iPod Using the iPod Dock (Available Separately)

The iPod Dock holds iPod upright as it charges or transfers music. Connect the Dock to your computer using the iPod Dock Connector to USB 2.0 Cable, then put iPod in the Dock.



The optional iPod Dock (for iPod with color display) is available for purchase at www.apple.com/ipodstore.

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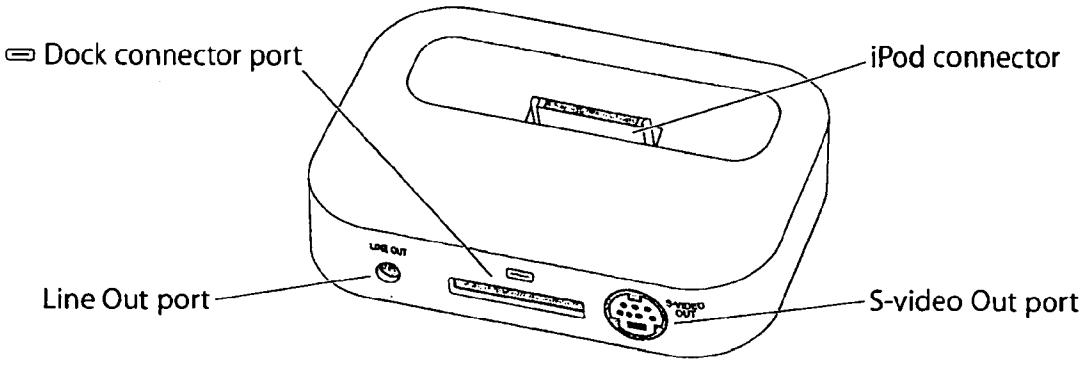

Port	Use
Dock connector port	Connect the Dock to your computer or the power adapter using the included USB 2.0 cable.
iPod connector	Place iPod into the Dock to charge iPod, transfer songs, view photos, and listen to music.
Line Out port	Connect speakers using an audio cable with a standard 3.5 millimeter stereo miniplug (see page 24). Or connect the optional iPod AV Cable to view photos on a television (see page 32).
S-video Out port	Connect an S-video cable to view photos with enhanced clarity on an S-video-equipped television or video device (see page 32). You must use an additional audio cable to hear sound with a slideshow.

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Using the optional iPod Dock, you can play music from iPod over external powered speakers or a home stereo. You need an audio cable with a standard 3.5 millimeter stereo miniplug (many external speakers have this type of cable attached).

To play music from iPod using the Dock:

1 Place iPod in the Dock.

2 Connect the speakers or stereo to the Dock Line Out port using an audio cable with a 3.5 millimeter stereo miniplug.

3 Use the iPod controls to play a song.

When the Dock is connected to an external audio source, use the volume controls on the external source to change the volume.

Organizing and Transferring Your Music

For instructions for getting started playing music on iPod, see "Setting Up iPod to Play Music" on page 8. Read on for more information about organizing and transferring your music.

About iTunes

iTunes is the software application you use to manage the music on your computer and transfer music to iPod. When you connect iPod to your computer, iTunes opens automatically.

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Here are some of the things you can do with iTunes:

- Purchase and download songs and audiobooks from the iTunes Music Store
- Listen to CDs and digital music
- Add music from CDs to your music library, so you don't need to have the CD in the drive to play music
- Make your own CDs (if your computer has a CD burner)
- Publish your playlists, called "iMixes," to the iTunes Music Store
- Create dynamic "Party Shuffle" playlists
- Listen to Internet radio stations

This guide explains how to transfer songs to iPod using iTunes and manage songs on iPod. For information about using the other features of iTunes, open iTunes and choose Help > iTunes and Music Store Help.

About the iTunes Music Store

Using iTunes, you can preview, purchase, and download your favorite songs from the iTunes Music Store (available in some countries only). There are over a million songs available for purchase. You can use an Apple Account to purchase songs from the music store, or if you have an America Online (AOL) account, you can use that (this option is available in some countries only).

To browse for and purchase music:

1 Open iTunes and click Music Store in the Source list.

2 Click the Account button and follow the onscreen instructions to set up an account or enter your existing Apple Account or AOL account information.

You can only have music from five different Music Store accounts on one iPod.

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For more information about the iTunes Music Store, open iTunes and choose Help > iTunes and Music Store Help.

Audio File Formats Supported by iPod

- AAC (M4A, M4B, M4P) (up to 320 Kbps)
- Apple Lossless (a high-quality compressed format)
- MP3 (up to 320 Kbps)
- MP3 Variable Bit Rate (VBR)
- WAV
- AA (audible.com spoken word, formats 2, 3, and 4)
- AIFF

A song encoded using Apple Lossless format has full CD-quality sound, but takes up only about half the amount of space as a song encoded using AIFF or WAV format. The same song encoded in AAC or MP3 format takes up even less space. When you import music from a CD using iTunes, it is converted to AAC format by default.

Using iTunes for Windows, you can convert nonprotected WMA files to AAC or MP3 format. This can be useful if you have a library of music encoded in WMA format. For more information, open iTunes and choose Help > iTunes and Music Store Help.

iPod does not support WMA, MPEG Layer 1, MPEG Layer 2 audio files, or audible.com format 1.

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About Playlists

Using iTunes, you can organize songs into playlists. For example, you can create a playlist with songs to listen to while exercising or with songs for a particular mood.

You can create as many playlists as you like using any of the songs in your computer's music library. Putting a song in a playlist doesn't remove it from the library.

When you connect and update iPod, the playlists are transferred to iPod. To browse through playlists, select Music > Playlists on iPod.

About Smart Playlists

Using iTunes, you can automatically create customized Smart Playlists from the songs in your library. You can create a Smart Playlist that includes only certain genres of music, songs by certain artists, or songs that match particular criteria. For example, you could create a playlist that's no more than 3 gigabytes (GB) in size and includes only songs you have rated 3 stars or higher (see "Rating Songs" on page 18).

After you create a Smart Playlist, any songs on iPod that meet the Smart Playlist's criteria are automatically added to the Smart Playlist.

Creating Playlists on Your Computer

To create a playlist:

- In iTunes, click the Add (+) button and type a name for the playlist, then drag songs from the library or another playlist to the new playlist.

To create a Smart Playlist:

- In iTunes, choose File > New Smart Playlist and choose the criteria for your playlist. Any songs from your library that match the criteria you choose are automatically added to the playlist.

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Transferring Songs and Playlists to iPod Automatically

By default, iPod updates automatically when you connect it to your computer.

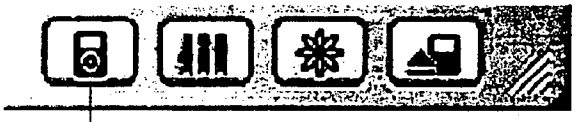
To transfer music to iPod automatically:

- Simply connect iPod to your computer using the included USB 2.0 cable.

iPod must be set to transfer music automatically.

To set iPod to transfer music automatically:

1 Select iPod in the iTunes Source list and click the Options button.



Options button

2 Select "Automatically update all songs and playlists."

iTunes updates the iPod music library to match the songs and playlists in your computer's music library, transferring new songs to iPod and deleting songs from iPod that aren't in your music library.

You can set iPod to transfer only certain songs in your iTunes music library. This is useful if you have more music on your computer than will fit on your iPod.

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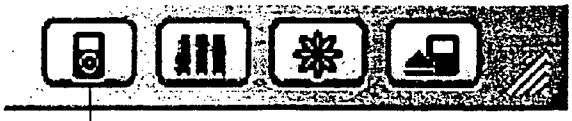
To update iPod with only certain songs:

1 In iTunes, check the boxes next to songs you want to transfer (by default, all songs are checked).

2 Select iPod in the iTunes Source list and click the Options button.



Options button

3 Select "Only update checked songs."

To set iPod to update only selected playlists:

1 In iTunes, select iPod in the Source list and click the Options button.

2 Select "Automatically update selected playlists only."

Transferring Songs and Playlists to iPod Manually

You can set iPod to transfer songs manually, so you can transfer individual songs and playlists. This is especially useful if you want to use iPod with more than one computer.

When iPod is set to transfer songs manually, iTunes won't update it automatically when you connect it to your computer.

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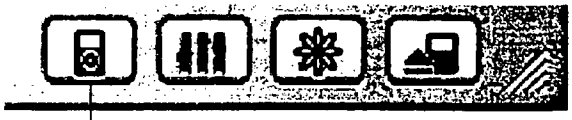
To set iPod to transfer songs manually:

1 In iTunes, select iPod in the Source list and click the Options button.



Options button

2 Select "Manually manage songs and playlists."

To transfer a song or playlist to iPod manually:

- In iTunes, drag a song or playlist to iPod in the Source list.

Deleting Songs and Playlists From iPod Manually

If you have set iPod to transfer songs manually (see above), you can delete songs and playlists from iPod individually. Songs deleted from iPod manually are not deleted from the iTunes library.

To delete a song or playlist from iPod:

1 Select iPod in the iTunes Source list.

2 Select a song or playlist and press the Delete key on the keyboard.

If you delete a playlist, the songs in the playlist remain on iPod.

Modifying Playlists on iPod Manually

If you have set iPod to transfer songs manually (see above), you can create new playlists on iPod, and add songs to or delete songs from playlists already on iPod.

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To create a new playlist on iPod:

1 Select iPod in the iTunes Source list and click the Add (+) button.

2 Drag songs to the new playlist.

To modify a playlist on iPod:

- Drag a song to a playlist on iPod to add the song. Select a song in a playlist and press the Delete key on your keyboard to delete the song.

Listening to Spoken Word Audio

You can purchase and download spoken word audiobooks from the iTunes Music Store (available in some countries only) or from audible.com and listen to them on your iPod.

You can use iTunes to transfer audiobooks to your iPod the same way you transfer songs.

If you stop listening to an audiobook on iPod and go back to it later, the audiobook begins playing from where you left off.

Unless you're playing songs from within playlists, iPod skips audiobooks when set to shuffle.

Setting the Reading Speed

You can play audiobooks at speeds faster or slower than normal.

To set the playing speed of an audiobook:

- Select Settings > Audiobooks and select a speed.

Setting the reading speed only affects audiobooks purchased from the iTunes Music Store or audible.com.

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Seeing How Many Songs and Photos Are on iPod

To see how many songs and photos are stored on iPod, how much disk space is left, and other information, select Settings > About in the iPod main menu.

Transferring and Viewing Digital Photos

You can import digital photos from a digital camera to your computer, then transfer them and view them on iPod. You can connect iPod to a television and view photos as a slideshow with music.

If you have the optional iPod Camera Connector, you can transfer photos directly from most USB digital cameras or USB photo card readers to iPod. If you have an iPod–compatible photo card reader, you can transfer photos using that.

Transferring Photos from a Camera to Your Computer

You can import photos from a digital camera or a photo card reader.

To import photos to a Mac using iPhoto:

1 Connect the camera or photo card reader to your computer. Open iPhoto if it doesn't open automatically.

2 Click Import.

Images from the camera are imported into iPhoto.

You can import other digital images into iPhoto, such as images you download from the web. For more information about importing and working with photos and other images, open iPhoto and choose Help > iPhoto Help.

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iPhoto is available for purchase as part of the iLife suite of applications at www.apple.com/ilife. iPhoto may already be installed on your Mac, in the Applications folder.

To import photos to a Mac using Image Capture:

If you don't have iPhoto, you can import photos using Image Capture.

1 Connect the camera or photo card reader to your computer.

2 Open Image Capture (inside the Applications folder) if it doesn't open automatically.

3 To choose specific items to transfer, click Download Some. Or to transfer all items, click Download All.

To import photos to a Windows PC:

- Follow the instructions that came with your digital camera or photo application.

Transferring Photos From Your Computer to iPod

You can transfer photos from a folder on your hard disk. If you have a Mac and iPhoto 4.0.3 or later, you can transfer iPhoto albums automatically. If you have a Windows PC and Adobe Photoshop Album 1.0 or later, or Adobe Photoshop Elements 3.0 or later, you can transfer photo collections automatically.

The first time you transfer photos to iPod may take some time (possibly over an hour) depending upon how many photos are in your photo library.

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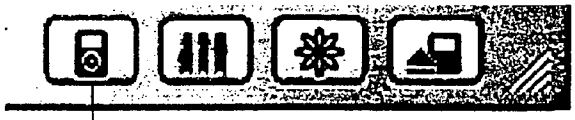
To transfer photos from a Mac to iPod using iPhoto:

1 Open iTunes and select iPod in the iTunes Source list. Then click the Options button.



Options button

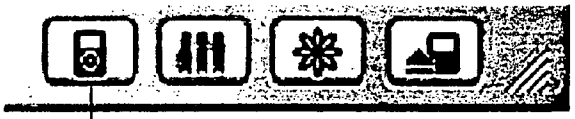
2 Click Photos and select "Synchronize photos from." Then choose iPhoto from the pop-up menu.

3 If you want to import all of your photos, select "Copy all photos." If you want to import photos only from certain iPhoto albums, select "Copy selected albums only" and select the albums or collections you want.

Each time you connect iPod to your computer, photos are transferred automatically.

To transfer photos from a Windows PC to iPod using Photoshop Album or Photoshop Elements:

1 Open iTunes and select iPod in the iTunes Source list. Then click the Options button.



Options button

2 Click Photos and select "Synchronize photos from." Then choose Photoshop Album or Photoshop Elements from the pop-up menu.

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3 If you want to import all of your photos, select "Copy all photos." If you only want to import photos from certain Photoshop Album or Photoshop Elements collections, select "Copy selected albums only" and select the albums or collections you want.

Note: Some versions of Photoshop Album and Photoshop Elements don't support collections. You can still use them to transfer all your photos.

Each time you connect iPod to your computer, photos are transferred automatically.

To transfer photos from a folder on your hard disk to iPod:

1 Drag the images you want into a folder on your computer.

If you want images to appear in separate photo albums on iPod, create folders inside the main image folder, and drag images into the new folders.

2 Open iTunes and select iPod in the iTunes Source list. Then click the Options button.

Options button

3 Click Photos and select "Synchronize photos from."

4 Choose "Choose Folder" from the pop-up menu and select your image folder.

To transfer full-resolution image files to iPod:

When you transfer photos to iPod, iTunes optimizes the photos for viewing. Full-resolution image files aren't transferred by default. Transferring full-resolution image files is useful if you want to store your images or move them from one computer to another, but is not necessary to view the images at full quality on iPod.

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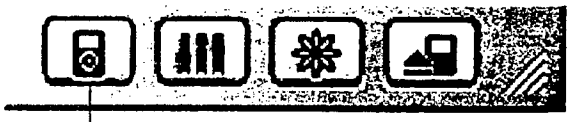
1 Open iTunes and select iPod in the iTunes Source list. Then click the Options button.



Options button

2 Click Photos and select "Include full-resolution photos."

iTunes copies the full-resolution versions of the photos to the Photos folder on your iPod.

Transferring Photos Directly From a Camera or Photo Card Reader to iPod

Using the optional iPod Camera Connector or an iPod–compatible photo card reader (available for purchase at www.apple.com/ipodstore) and a standard digital camera, you can store and view photos on iPod, then delete them from the camera or photo card and take more pictures. Then later you can transfer the photos from iPod to your computer using a standard digital photo application (such as iPhoto, on a Macintosh).

To see which cameras are compatible with the iPod Camera Connector, go to www.apple.com/support/ipod/photos.

Note: You can't view slideshows on a television using photos transferred directly from a camera or photo card reader. To view the photos in a slideshow on a television, you must transfer them to your computer, then import them back to iPod using iTunes.

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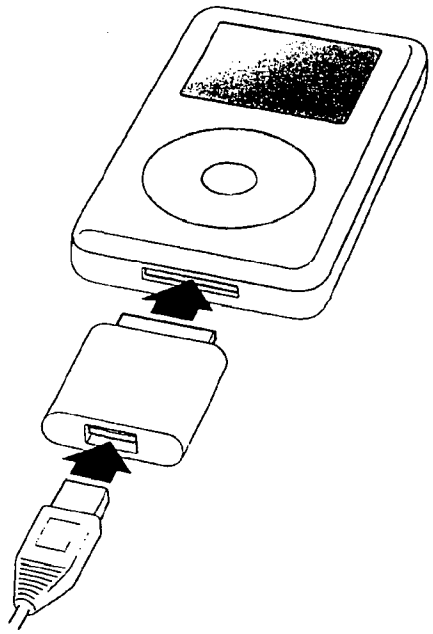
To import photos from a USB digital camera or photo card reader to iPod:

1 Turn on iPod and attach the optional iPod Camera Connector.

2 Turn on your camera (or card reader) and connect it to iPod using the USB cable that came with your camera.



3 On iPod, select Import.

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To store photos from an iPod-compatible photo card reader on iPod:

1 Insert a photo card into the photo card reader and connect the photo card reader to the Dock connector port on iPod.

2 Select Import.

Photos are listed on iPod by roll number.

Note: Some digital photo storage devices may work differently. Consult the instructions that came with the device.

To view imported photos on iPod:

1 Select Photos > Photo Import and select the roll number.

The type of media, number of photos, and size of the roll are displayed.

2 Select Browse. Photos may take a moment to appear. Select any photo to view it full screen.

Note: The Photo Import menu item doesn't appear unless you transfer photos directly from a camera or photo card reader.

To erase photos from a camera or photo card:

1 Import photos from the camera or card (see above).

2 Select Erase Card. All photos are deleted from the camera or card.

For more information about using an iPod–compatible photo card reader, see the instructions that came with the reader.

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Transferring Photos from iPod to a Computer

If you transfer full-resolution photos from your computer to iPod (see page 35) they're stored in a Photos folder on iPod. If you transfer photos directly from a camera or photo card reader to iPod (see page 36), they are stored in a DCIM folder on iPod. You can connect iPod to a computer and transfer these photos to a computer. iPod must be enabled for disk use (see page 48).

To transfer from iPod to a computer:

1 Connect iPod to the other computer.

2 Drag image files from the Photos folder or DCIM folder on iPod to the desktop or to a photo editing application on the computer.

Note: You can also use a photo editing application, such as iPhoto, to import photos stored in the DCIM folder.

Viewing Photos

You can view photos on iPod manually or as a slideshow. If you have the optional iPod AV Cable, you can connect iPod to a television and view photos as a slideshow with music.

To view photos on iPod:

1 On iPod, select Photos > Photo Library. Or select Photos and choose a photo album to see only the photos in the album. Photos may take a moment to appear.

2 Highlight the photo you want and press the Select button to view a full-screen version.

From any photo-viewing screen, use the Click Wheel to scroll through photos. Use the Next/Fast-forward and Previous/Rewind buttons to skip to the next or previous screen of photos.

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Viewing Slideshows

You can view a slideshow, with music and transitions if you choose, on iPod. If you have the optional iPod AV Cable, you can view the slideshow on a television.

To set slideshow settings:

- Select Photos > Slideshow Settings, then follow the instructions below:
  - To set slideshows to display on iPod, set TV Out to Ask or Off.
  - To set slideshows to display on television, set TV Out to Ask or On.

    If you set TV Out to Ask, iPod gives you the option of showing slideshows on television or on iPod every time you start a slideshow.
  - To set the length of time each slide is displayed before advancing, select Time Per Slide and choose a time.
  - To set the music that plays during slideshows, select Music and choose a playlist. If you're using iPhoto, you can choose From iPhoto to copy the iPhoto music setting. Only the songs that you have transferred to iPod play.
  - To set slides to repeat, set Repeat to On.
  - To set slides to display in random order, set Shuffle Photos to On.
  - To set slides to display with transitions, select Transitions and choose a transition type.

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- To set slides to show on PAL or NTSC televisions, set TV Signal to PAL or NTSC.

  Note: PAL and NTSC refer to television broadcast standards. Your television may use either of these, depending on the region where it was purchased. If you aren't sure which your television uses, check the documentation that came with your television.

To view a slideshow on iPod:

- Select any photo, album, or roll and press Play. Or select any full-screen photo and press the Select button. To pause the music and the slideshow, press the Play/Pause button.

  If you selected a playlist in Photos > Slideshow Settings > Music, the playlist plays automatically when you start the slideshow. The photos advance automatically according to settings in the Slideshow Settings menu. To skip to the next or previous photo manually, press the Next/Fast-forward or Previous/Rewind button.

To connect iPod to a television:

Your television must have RCA video and audio ports, or an S-video port.

1 Connect the optional iPod AV Cable to the Headphones port on iPod.

  You can also connect the iPod AV Cable to the Line Out port on the iPod Dock and put iPod in the Dock. You must use an iPod Dock for iPod with color display. Other iPod Docks won't work.

  Note: Use the iPod AV Cable made specifically for iPod. Other similar RCA-type cables won't work. You can purchase the iPod AV Cable at www.apple.com/ipodstore.

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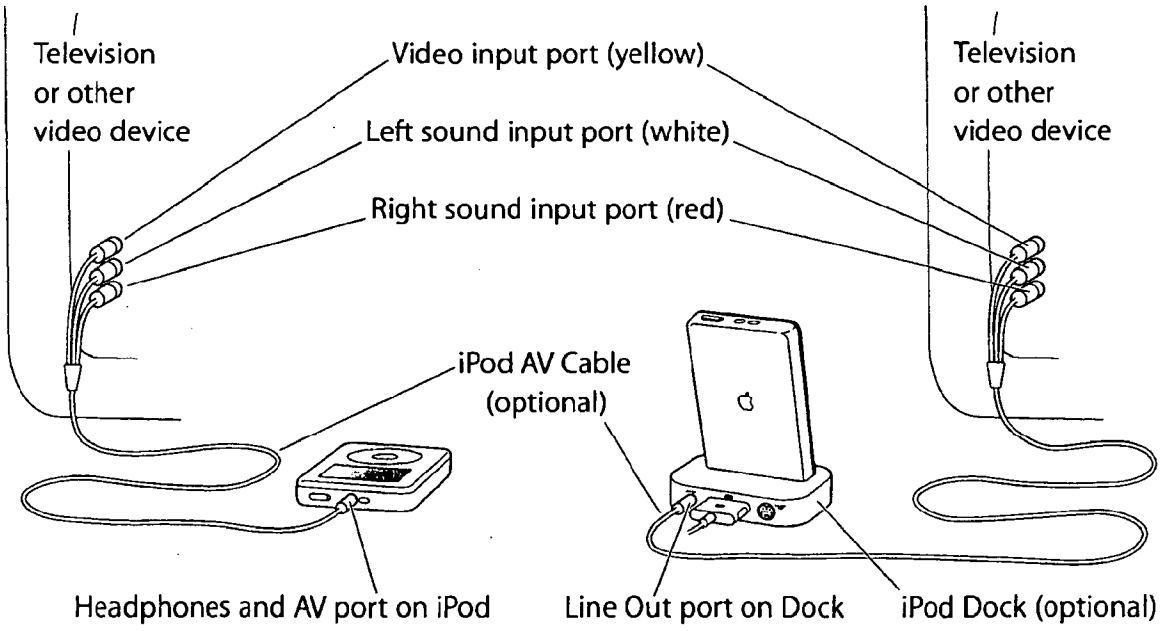
2 Connect the video and audio connectors to the ports on your television, as shown.



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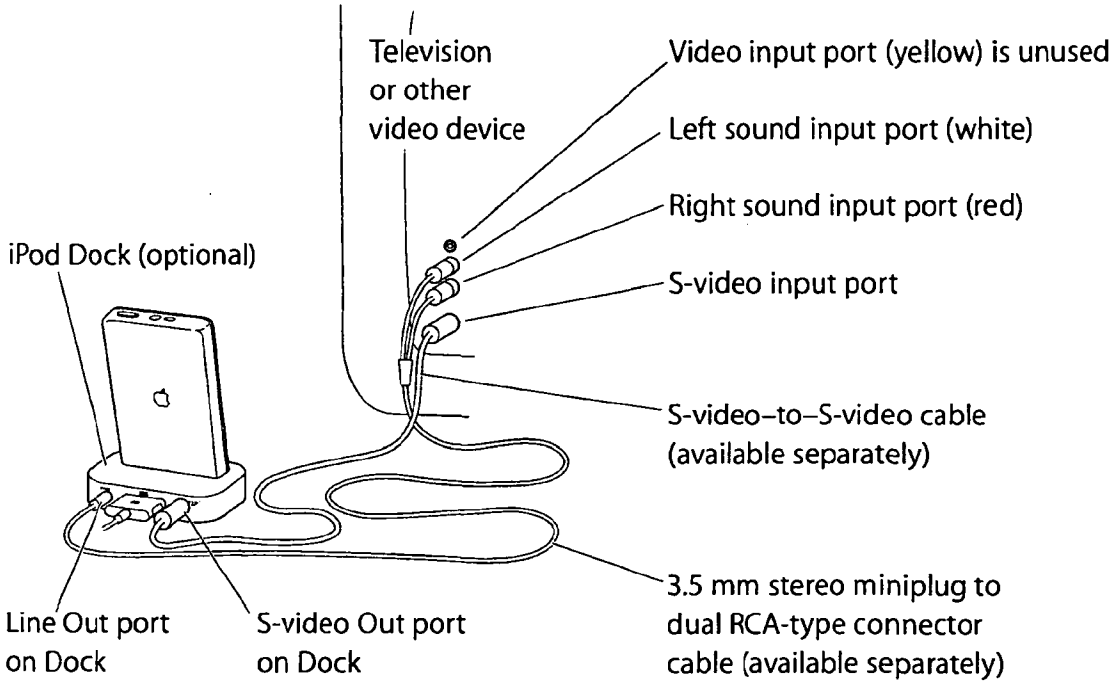
Connecting iPod using S-video:

For increased visual clarity, you can also connect iPod to a television, video receiver, or other device that has an S-video port using an S-video cable and the iPod Dock. You can purchase audio and S-video cables at www.apple.com/ipodstore.

To hear music with the slideshow, you must connect an audio cable to the Line Out port on the iPod Dock and to an audio input port on the television or receiver.



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To view a slideshow on a television:

1 Connect iPod to a television as shown above.

2 Turn on your television and set it to display from the input ports to which your iPod is connected. See the documentation that came with your television for more information.

3 On iPod, select any photo or album and press Play. Or select any full-screen photo and press the Select button. To pause the music and the slideshow, press the Play/Pause button.

If you selected a playlist in Photos > Slideshow Settings > Music, the playlist plays automatically when you start the slideshow. The photos display on your television and advance automatically according to settings in the Slideshow Settings menu. To skip to the next or previous photo manually, press the Next/Fast-forward or Previous/Rewind button.

Adjusting iPod Settings

You can change settings directly on iPod in the Settings menu.

Setting iPod to Shuffle Songs

You can set iPod to play songs or albums in random order.

To shuffle and begin playing all your songs:

- Select Shuffle Songs from the iPod main menu.

iPod begins playing songs from your entire music library in random order, skipping audiobooks.

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To set iPod to shuffle songs or albums every time you play a song:

1 Select Settings from the iPod main menu.

2 Set Shuffle to Songs or to Albums.

When you set iPod to shuffle songs by selecting Settings > Shuffle, iPod shuffles songs within the list (album or playlist, for example) from which the songs are playing.

When you set iPod to shuffle albums, it plays all the songs on an album in order, then randomly selects another album in the list and plays through it in order.

Setting iPod to Repeat Songs

You can set iPod to repeat a song over and over, or to repeat a sequence of songs. iPod repeats songs within the list from which the songs are playing.

To set iPod to repeat songs:

- Select Settings from the iPod main menu.
  - *To repeat all songs in the list,* set Repeat to All.
  - *To repeat one song over and over,* set Repeat to One.

Setting the Click Wheel Sound

When you scroll through menu items, you can hear a clicking sound through the iPod internal speaker to let you know the Click Wheel is working. You can set the Click Wheel sound to play through the headphones instead, or you can turn it off.

To set how iPod plays the Click Wheel sound:

- Select Settings from the iPod main menu.
  - *To set the Click Wheel sound to play through the headphones,* set Clicker to Headphones.
  - *To turn off the Click Wheel sound,* set Clicker to Off.

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- *To set the Click Wheel sound to play through the iPod internal speaker,* set Clicker to Speaker.
- *To set the Click Wheel sound to play through both the iPod internal speaker and the headphones,* set Clicker to Both.

Setting Songs to Play at the Same Relative Volume Level

iTunes can automatically adjust the volume of songs, so they play at the same relative volume level. You can set iPod to use the iTunes volume settings.

To set iTunes to adjust all songs to play at the same relative sound level:

1 In iTunes, choose iTunes > Preferences if you are using a Mac, or choose Edit > Preferences if you are using a Windows PC.

2 Click Effects and select Sound Check.

To set iPod to use the iTunes volume settings:

- Select Settings > Sound Check.

If you have not activated Sound Check in iTunes, setting it on iPod has no effect.

Using the Equalizer

You can use equalizer presets to change iPod sound to suit a particular music genre or style. For example, to make rock music sound better, set the equalizer to Rock.

- Select Settings > EQ and select an equalizer preset.

If you have assigned an equalizer preset to a song in iTunes and the iPod equalizer is set to Off, then the song plays using the iTunes setting. See iTunes and Music Store Help for more information.

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Setting the Backlight Timer

You can set the backlight to turn on for a certain amount of time when you press a button or use the Click Wheel.

- Select Settings > Backlight Timer and select the time you want.

Even if you don't set the backlight timer, you can turn on the backlight at any time by pressing and holding the Menu button on iPod or selecting Backlight from the main menu. After a few seconds, the backlight turns off.

Adding or Removing Items From the Main Menu

You can add often-used items to the iPod main menu. For example, you can add a "Songs" item to the main menu, so you don't have to select Music before you select Songs.

To add or remove items from the main menu:

- Select Settings > Main Menu.

Setting and Viewing the Date and Time

To set the date and time:

- Select Settings > Date & Time.

To view the date and time:

- Select Extras > Clock.

To set iPod to display the time in the title bar:

- Select Settings > Date & Time.

If you set iPod to display the time in the title bar, you can see the time from any iPod menu screen.

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Setting the Language

iPod can be set to use different languages.

- Select Settings > Language and select a language.

Using the Extra Features of Your iPod

Using iPod as an External Hard Disk

You can use iPod as a hard disk, to store and transfer data files.

To enable iPod as a hard disk:

1 In iTunes, select iPod in the Source list and click the Options button.

Options button

2 Click General and select "Enable disk use."

When you use iPod as a hard disk, the iPod disk icon appears on the desktop on the Mac, or as the next available drive letter in Windows Explorer on a Windows PC.

Note: Clicking Music and selecting "Manually manage songs and playlists" in the Options window also enables iPod to be used as a hard disk.

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Note: To transfer music files to iPod, you must use iTunes. Songs transferred via iTunes do not appear on iPod in the Macintosh Finder or Windows Explorer. Likewise, if you copy music files to iPod in the Macintosh Finder or Windows Explorer, you won't be able to play them on iPod.

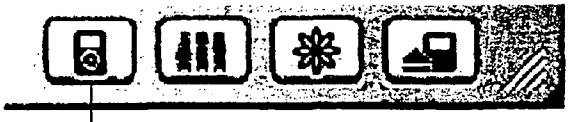
Preventing iTunes From Opening Automatically

If you use iPod primarily as a hard disk, you may want to keep iTunes from opening automatically when you connect iPod to your computer.

To prevent iTunes from opening automatically when you connect iPod to your computer:

1 In iTunes, select iPod in the Source list and click the Options button.

2 Click General and deselect "Open iTunes when attached."



Options button

Setting the Sleep Timer

You can set iPod to turn off automatically after playing music or a slideshow for a specific period of time.

- Select Extras > Clock > Sleep Timer and select the time you want.

When you set the sleep timer, a clock icon and the number of minutes left until iPod turns off appear in the Now Playing screen on iPod.

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Setting the Alarm

You can use iPod as an alarm clock.

To set an alarm:

1 Select Extras > Clock > Alarm Clock.

2 Set Alarm to On.

3 Select a sound.

If you select Beep, the alarm will be audible through the internal speaker. If you select a playlist, you'll need to connect iPod to speakers or headphones to hear the alarm.

Importing Addresses, Phone Numbers, Calendar Events, and To-Do Lists

Your iPod can store contacts, calendar events, and to-do lists, for viewing on the go.

If you are using a Mac and iSync, it's as easy as clicking a button.

Synchronizing information using iSync requires iSync 1.1 or later, and iCal 1.0.1 or later.

To import all information using a Mac and iSync:

1 Connect iPod to your computer.

2 Open iSync and choose Devices > Add Device. You only need to do this step the first time you use iSync with your iPod.

3 Select iPod and click Sync Now.

iSync transfers information from iCal and Mac OS X Address Book to your iPod.

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The next time you want to sync iPod, you can simply open iSync and click Sync Now. You can also choose to have iPod sync automatically when you connect it.

Note: iSync transfers information from your computer to iPod. You can't use iSync to transfer information from your iPod to your computer.

If you are using Windows, or you don't want to import using iSync, you can transfer information to iPod manually. iPod must be enabled as a hard disk (see "Using iPod as an External Hard Disk" on page 48).

To import contact information manually:

1 Connect iPod and open your favorite email or contacts application. Importing contacts works with Palm Desktop, Microsoft Outlook, Microsoft Entourage, and Eudora, among others.

2 Drag contacts from the application's address book to the iPod Contacts folder.

In some cases you may need to export contacts, then drag the exported file or files to the iPod Contacts folder. See the documentation for your email or contacts application.

To import appointments and other calendar events manually:

1 Export calendar events from any calendar application that uses the standard iCalendar format (filenames end in .ics) or vCal format (filenames end in .vcs).

2 Drag the files to the Calendars folder on iPod.

Note: You can only transfer to-do lists to iPod using iSync and iCal.

To view contacts on iPod:

- Select Extras > Contacts.

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To view calendar events:

- Select Extras > Calendar.

To view to-do lists:

- Select Extras > Calendar > To Do.

Storing and Reading Notes and Other Information

You can store and read text notes on iPod. iPod must be enabled as a hard disk (see page 48).

1 Save a document in any word-processing application as a text (.txt) file.

2 Place the file in the Notes folder on iPod.

To view notes:

- Select Extras > Notes.

Recording Voice Memos

You can record voice memos using an optional iPod-compatible microphone (available for purchase at www.apple.com/ipodstore). You can store voice memos on your iPod and transfer them to your computer.

To record a voice memo:

1 Connect a microphone to the Headphones port on your iPod and select Record to begin recording.

2 Hold the microphone a few inches from your mouth and speak. To pause recording, select Pause.

3 When you're finished recording, select Stop and Save. Your recording is saved and listed by date and time recorded.

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To play a recording:

- Select Extras > Voice Memos and select the recording.

Note: The Voice Memos menu item doesn't appear until you connect a microphone.

To transfer voice memos to your computer:

Voice memos are saved in a Recordings folder on iPod in the WAV file format. If you enable iPod for disk use, you can drag voice memos from the folder to copy them.

If iPod is set to transfer songs automatically (see page 28) and you record voice memos, the voice memos are automatically transferred to a playlist in iTunes when you connect iPod. You see the new Voice Memos playlist in the iTunes Source list.

Playing Games

iPod has a number of games.

To play a game:

- Select Extras > Games and select a game.

Charging the iPod Battery

iPod has an internal, non–user–replaceable battery. If iPod isn't used for a while, the battery may need to be charged.

The iPod battery is 80-percent charged in about three hours, and fully charged in about five hours. If you charge iPod while transferring files, playing music or viewing a slideshow, it may take longer.

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You can charge the iPod battery in two ways:

- Connect iPod to your computer.
- Use the iPod USB Power Adapter.

To charge the battery using your computer:

- Connect iPod to a high-power USB 2.0 port on your computer. The computer must be turned on and not in sleep mode (some models of Macintosh can charge iPod while in sleep mode).

Important: While songs, photos, or files are transferred using USB 2.0, the iPod battery loses charge. Transferring songs or files when iPod isn't sufficiently charged can cause incomplete transfer, loss of the information being transferred, and may require a restore (see page 66). It's best to charge iPod using the iPod Power Adapter before transferring songs or files.

If the battery icon in the upper-right corner of the iPod screen shows a lightning bolt, the battery is charging. If it shows a plug, the battery is fully charged.

If you don't see the lightning bolt or the plug, iPod may not be connected to a high-power USB 2.0 port. Try another USB port on your computer.

If you can't charge using a USB port on your computer, you can charge the battery using the iPod USB Power Adapter.

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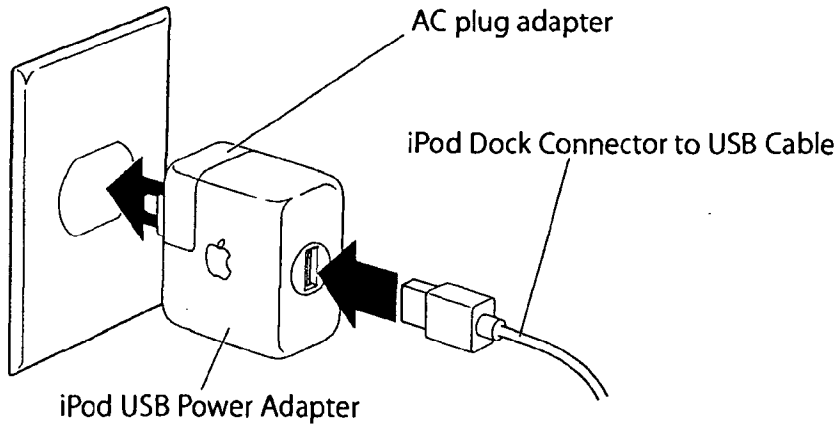
To charge the battery using the iPod Power Adapter:

1 Connect the AC plug adapter to the power adapter (they may already be connected).

2 Connect the iPod Dock Connector to USB 2.0 Cable to the power adapter, and plug the other end of the cable in to iPod.

3 Plug the power adapter in to a working electrical outlet.



Warning Make sure the power adapter is fully assembled before plugging it in to an electrical outlet.

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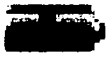
Battery States

When iPod is not connected to a power source, a battery icon in the top-right corner of the iPod screen shows about how much charge is left.

Battery less than 20% charged

Battery about halfway charged

If iPod is connected to a power source, the battery icon changes to show that the battery is charging or fully charged.

 Battery charging

Battery fully charged

You can disconnect and use iPod before it is fully charged.

Note: Rechargeable batteries have a limited number of charge cycles and may eventually need to be replaced. Battery life and number of charge cycles vary by use and settings. For more information, go to www.apple.com/batteries.

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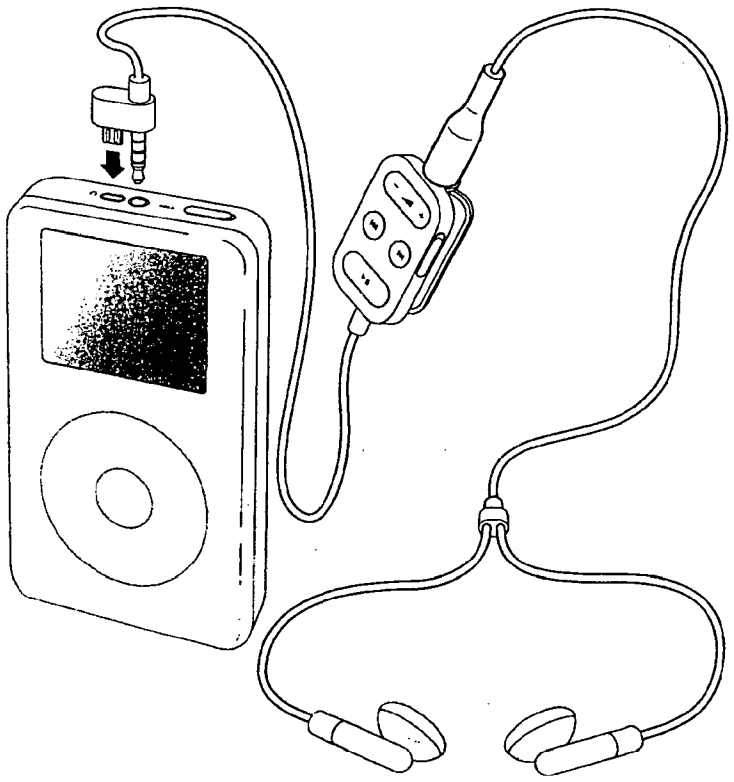
iPod Accessories

iPod comes with some accessories, and many other accessories are available at www.apple.com/ipodstore.

iPod Remote (Available Separately)

To use the iPod Remote, connect it to the iPod Remote port, then connect the Apple Earphones (or another set of headphones) to the remote. Use the buttons on the remote just as you would use the iPod buttons.



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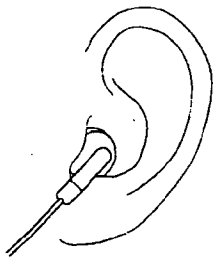
Use the remote's Hold switch to disable the remote's buttons. The iPod Hold switch and the iPod Remote Hold switch do not affect one another.

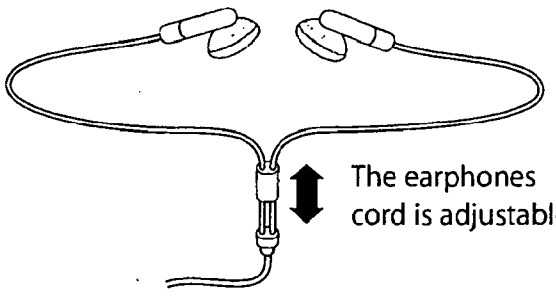
Apple Earphones

iPod comes with a pair of high-quality earbud headphones with two pairs of earphone covers. If you like, you can place the earphone covers over the earphones.

To use the earbud headphones:

- Plug the earphones in to the Headphones port, then place the earbud in your ear as shown.





The earphones cord is adjustable.

Earphone covers

Warning Permanent hearing loss may occur if earbuds or headphones are used at high volume. You can adapt over time to a higher volume of sound, which may sound normal but can be damaging to your hearing. Set your iPod volume to a safe level before that happens. If you experience ringing in your ears, reduce the volume or discontinue use of your iPod.

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Available Accessories

To purchase iPod accessories, go to www.apple.com/ipodstore.

Available accessories include:

- iPod Dock (for iPod with color display)
- iPod Camera Connector
- iPod In-Ear Headphones
- iPod Dock Connector to FireWire Cable
- iPod AV Cable
- iPod Remote + Earphones
- iPod Power Adapter
- iPod Carrying Cases
- World Travel Adapter Kit
- Third-party accessories such as speakers, headsets, microphones, photo card readers, backup batteries, car stereo adapters, power adapters, and more

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Tips and Troubleshooting

Most problems with iPod can be solved quickly by following the advice in this chapter.

Resetting iPod

Most problems with iPod can be solved by resetting it.

To reset iPod:

1 Connect iPod to a power outlet using the iPod Power Adapter.

2 Toggle the Hold switch on and off (set it to Hold, then turn it off again).

3 Press and hold the Select and Menu buttons for at least 6 seconds, until the Apple logo appears.

If Your iPod Won't Turn On or Respond

- Make sure the Hold switch is off.
- If you're using the optional iPod Remote, make sure the remote's Hold switch is off.
- If that doesn't work, connect iPod to the iPod Power Adapter and connect the adapter to a working electrical outlet. Your iPod battery may need to be recharged.
- If that doesn't work, your iPod may need to be reset (see above).
- If that doesn't work, you may need to restore iPod software. See "iPod Software Update and Restore" on page 66.

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If You Want to Disconnect iPod, but the Screen Says "Do not disconnect"

- If iPod is transferring music, wait for the transfer to complete.
- Select iPod in the iTunes Source list and click the Eject button.
- If iPod disappears from the iTunes Source list, but you still see the "Do not disconnect" message on the iPod screen, go ahead and disconnect iPod.
- If iPod doesn't disappear from the iTunes Source list, drag the iPod icon from the desktop to the Trash (if you're using a Mac) or click the Safely Remove Hardware icon in the system tray and select your iPod (if you're using a Windows PC). If you still see the "Do not disconnect" message, restart your computer and eject iPod again.

If Your iPod Isn't Playing Music

- Make sure the Hold switch is off.
- If you're using the optional iPod Remote, make sure the remote's Hold switch is off.
- Make sure the headphones connector is pushed in all the way.
- Make sure the volume is adjusted properly.
- If that doesn't work, push the Play/Pause button. Your iPod may be paused.
- Make sure you are using iTunes 4.7 (included on the iPod CD) or later. Songs purchased from the iTunes Music Store using earlier versions of iTunes won't play on iPod until you upgrade iTunes and transfer the songs.
- If you're using the iPod Dock, be sure the iPod is seated firmly in the Dock and make sure all cables are connected properly.
- If you are using the Dock Line Out port, make sure your external speakers or stereo are turned on and working properly.

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If You Connect iPod to Your Computer and Nothing Happens

- Make sure you have installed the software from the iPod CD.
- Make sure you have the required computer and software. See "What You Need to Get Started" on page 5.
- Your iPod may need to be reset (see page 60).
- Check the cable connections. Unplug the cable at both ends and make sure no foreign objects are in the USB or FireWire ports. Then plug the cable back in securely. Be sure the connectors on the cables are oriented correctly. They can only be inserted one way.
- If you're connecting iPod to a portable or laptop computer using the iPod Dock Connector to USB 2.0 Cable, connect the computer to a power outlet before connecting iPod.
- If that doesn't work, restart your computer.
- If that doesn't work, you may need to restore iPod software. See "iPod Software Update and Restore" on page 66.

If You See a Folder With an Exclamation Point on the iPod Display

- iPod may need to be reset (see page 60).
- If that doesn't work, your iPod battery may need to be recharged. Connect iPod to the iPod Power Adapter and connect the adapter to a working electrical outlet. If you still see the folder, reset iPod again.

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- If that doesn't work, you may need to update or restore iPod with the latest software. Be sure you have installed the software from the iPod CD, or go to www.apple.com/ipod to get the latest software. Then follow the instructions on page 67 to update or restore the iPod software.

If Songs or Data Transfer More Slowly Over USB 2.0

- If you transfer a large amount of songs or data using USB 2.0 and the iPod battery is low, iPod will go into power-saving mode. Transfer speeds will slow down considerably. This is normal.
- If you want to transfer at higher speeds, you can stop the transfer, eject the iPod, and connect it to a power outlet using the iPod Power Adapter. Let iPod charge for about an hour, then connect it to your computer again to transfer music.

If You Connect iPod to a USB Port and It Doesn't Work Correctly

- You must use a USB 2.0 port or a FireWire port to connect iPod. USB 1.1 is not supported and is significantly slower than FireWire and USB 2.0. If your Windows PC doesn't have a FireWire port or USB 2.0 port, you can purchase and install a Windows-certified USB 2.0 card and install it. For more information, go to www.apple.com/ipod. If you're using a Mac or a Windows PC that doesn't have a high-power USB 2.0 port but has a 6-pin FireWire port, you can connect iPod to a FireWire port using the optional iPod Dock Connector to FireWire Cable, available at www.apple.com/ipodstore.
- To charge the battery, you must connect iPod to a high-power USB 2.0 port on your computer. Connecting iPod to a USB port on your keyboard will not charge the battery.

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- If your iPod is exceptionally low on power and you connect it to a USB 2.0 port, it may charge for up to 30 minutes before you can use it. Leave iPod connected until it charges sufficiently.
- If you're connecting iPod to a portable or laptop computer using the iPod Dock Connector to USB 2.0 Cable, connect the computer to a power outlet before connecting iPod.

If You Accidentally Set iPod to Use a Language You Don't Understand

You can reset the language.

1 Push Menu repeatedly until the main menu appears.

2 Select the fourth menu item (Settings).

3 Select the last menu item (Reset All Settings).

4 Select the second menu item (Reset) and select a language.

Other iPod settings, such as song repeat, are also reset.

Note: If you added or removed items from the iPod main menu (see page 47), the Settings menu may be in a different place.

If You Can't Transfer Photos Directly From Your Camera

- Be sure you have the iPod Camera Connector (available at www.apple.com/ipodstore) and a USB digital camera.
- If your camera didn't come with a USB cable, you'll need to purchase one. See the camera manufacturer's website to find compatible cables.

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- If photos aren't transferring, be sure your camera is turned on and set to the correct mode for importing photos. See the instructions provided with your camera. Also be sure the cable is connected firmly to your camera and to the camera connector.

If You Can't See Photos on Your Television

- If you transferred photos directly from a camera or card reader to iPod, you can't see them in a slideshow on a TV. You must transfer photos from your camera to your computer, then transfer them to iPod using iTunes.
- Be sure your television is set to display images from the correct input source (see the documentation that came with your television for more information).
- Be sure all cables are connected correctly (see page 41).
- If you're using the iPod AV Cable, be sure the yellow end is connected to the video port on your television.

  Note: Use RCA-type cables made specifically for iPod. Other similar cables won't work.
- On iPod, go to Photos > Slideshow Settings and set TV Out to On, then try again.
- If that doesn't work, on iPod, go to Photos > Slideshow Settings and set TV Signal to PAL or NTSC, depending on which type of television you have. Try both settings.

If Your iPod Remote Isn't Working

- Make sure the remote's Hold switch is off.
- Make sure the remote is plugged firmly in to iPod, and that the headphones are plugged firmly in to the remote.

The iPod Remote can be purchased at www.apple.com/ipodstore.

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If You Want to Use Your iPod With a Mac and a Windows PC

If you are using your iPod with a Mac and you want to use it with a Windows PC (or vice versa), you must restore the iPod software for use with the other computer using iPod Software Update (see "iPod Software Update and Restore" below). Restoring the iPod software erases all data from iPod, including all songs.

You cannot switch from using iPod with a Mac to using it with a Windows PC (or vice versa) without erasing all data on iPod.

iPod Software Update and Restore

Apple periodically updates iPod software to improve performance or add features. It is recommended that you update your iPod to use the latest software.

You can choose either to update or to restore the iPod software.

- *If you choose to update,* the software is updated, but your settings and songs are not affected.
- *If you choose to restore,* all data is erased from your iPod, including songs, files, contacts, photos, calendar information, and any other data. All iPod settings are restored to their original state.

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To update or restore iPod with the latest software:

1 Go to www.apple.com/support/ipod and download the latest iPod Update. The update has the latest software for all models of iPod.

2 Double-click the software install file and follow the onscreen instructions to install the iPod Update.

3 Connect iPod to your computer and open iTunes. The iPod Updater application opens.

If you're using a Windows PC and the iPod Updater application doesn't open automatically, you can find the updater by choosing Start > All Programs > iPod.

4 Follow the onscreen instructions to update or restore iPod software.

If you use the iPod Updater application and it doesn't see that iPod is connected to your computer, reset iPod (see page 60).

If you want to restore iPod software and you don't have an Internet connection, you can use the iPod Updater application that was installed on your computer when you installed the software from the iPod CD.

To restore iPod software using the iPod Updater application that came on your iPod CD:

- *If you have a Mac,* you can find the iPod Updater application in Applications/Utilities/iPod Software Updater.
- *If you have a Windows PC,* you can find the iPod Updater application by choosing Start > All Programs > iPod.

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Learning More, Service, and Support

There is more information about using iPod in onscreen help and on the web.

Onscreen Help

- To learn more about using iTunes, open iTunes and choose Help > iTunes and Music Store Help.
- To learn more about using iPhoto (on Mac OS X) to import, edit, and manage photos and other images, open iPhoto and choose Help > iPhoto Help.
- To learn more about using iSync (on Mac OS X), open iSync and choose Help > iSync Help.
- To learn more about using iCal (on Mac OS X), open iCal and choose Help > iCal Help.

Online Resources

For the latest information on iPod, go to www.apple.com/ipodphoto.

For iPod service and support information, a variety of forums with product-specific information and feedback, and the latest Apple software downloads, go to www.apple.com/support/ipod.

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To register iPod (if you didn't do it when you installed software from the iPod CD), go to www.apple.com/register.

For an online iTunes tutorial (available in some areas only), go to www.apple.com/support/itunes.

Obtaining Warranty Service

If the product appears to be damaged or does not function properly, please follow the advice in this booklet, the onscreen help, and the online resources.

If the unit still does not function, go to www.apple.com/support for instructions on how to obtain warranty service.

Finding the Serial Number of Your iPod

The serial number is printed on the back of your iPod. You can also find it by selecting Settings > About.

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Safety and Cleaning

Read on to learn about using iPod safely and cleaning iPod.

Important Safety Instructions

When setting up and using your iPod, remember the following:

- Read all the installation instructions carefully before you plug your iPod USB Power Adapter in to a power outlet.
- Keep these instructions handy for reference by you and others.
- Follow all instructions and warnings dealing with your iPod.

Warning Electrical equipment may be hazardous if misused. Operation of this product, or similar products, must always be supervised by an adult. Do not allow children access to the interior of any electrical product and do not permit them to handle any cables.

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Avoid Hearing Damage

Warning Permanent hearing loss may occur if earbuds or headphones are used at high volume. You can adapt over time to a higher volume of sound, which may sound normal but can be damaging to your hearing. Set your iPod volume to a safe level before that happens. If you experience ringing in your ears, reduce the volume or discontinue use of your iPod.

Do Not Use Headphones While Driving

Important: Use of headphones while operating a vehicle is not recommended and is illegal in some areas. Be careful and attentive while driving. Stop listening to your iPod if you find it disruptive or distracting while operating any type of vehicle or performing any other activity that requires your full attention.

Connectors and Ports

Never force a connector into a port. If the connector and port do not join with reasonable ease, they probably don't match. Make sure that the connector matches the port and that you have positioned the connector correctly in relation to the port.

Using the Power Adapter

- Use only the power adapter that came with your iPod. Adapters for other electronic devices may look similar, but they may damage your iPod.
- The only way to shut off power to your power adapter completely is to disconnect it from the power source.
- Always leave space around your power adapter. Do not use this equipment in a location where airflow around the power adapter is confined, such as a bookcase.

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- When connecting or disconnecting your power adapter, always hold the power adapter by its sides. Keep fingers away from the metal part of the plug.
- Before connecting the USB cable to the power adapter, make sure there are no foreign objects inside the power adapter's USB port.
- The power adapter for your iPod is a high-voltage component and should not be opened for any reason, even when the iPod is off. If the power adapter needs service, see "Learning More, Service, and Support" on page 68.
- Never force a connector into the power adapter USB port. If the connector and port do not join with reasonable ease, they probably don't match. Make sure that the connector matches the port and that you have positioned the connector correctly in relation to the port.

About Operating and Storage Temperatures

- Operate your iPod in a place where the temperature is always between 0° and 35° C (32° to 95° F).
- Store your iPod in a place where the temperature is always between –20° and 45° C (–4° to 113° F). Don't leave iPod in your car, since temperatures in parked cars can exceed this range.
- iPod play time may temporarily shorten in low-temperature conditions.
- When you're using your iPod or charging the battery, it is normal for the bottom of the case to get warm. The bottom of the iPod case functions as a cooling surface that transfers heat from inside the unit to the cooler air outside.

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Avoid Wet Locations

Warning To reduce the chance of shock or injury, do not use your iPod in or near water or wet locations.

- Keep your iPod and power adapter away from sources of liquids, such as drinks, washbasins, bathtubs, shower stalls, and so on.
- Protect your iPod and the power adapter from direct sunlight and rain or other moisture.
- Take care not to spill any food or liquid on iPod or its power adapter. If you do, unplug iPod before cleaning up the spill.

In case of a spill, you may have to send your equipment to Apple for service. See "Learning More, Service, and Support" on page 68.

Do Not Make Repairs Yourself

Warning Do not attempt to open your iPod or power adapter, disassemble it, or remove the battery. You run the risk of electric shock and voiding the limited warranty. No user-serviceable parts are inside.

For service, see "Learning More, Service, and Support" on page 68.

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Cleaning

Follow these general rules when cleaning the outside of your iPod and its components:

- Make sure your iPod is unplugged.
- Use a damp, soft, lint-free cloth. Avoid getting moisture in openings.
- Don't use aerosol sprays, solvents, alcohol, or abrasives.

About Handling

Your iPod may be damaged by improper storage or handling. Be careful not to drop your iPod when playing or transporting the device.

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Communications Regulation Information

FCC Compliance Statement
This device complies with part 15 of the FCC rules. Operation is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation. See instructions if interference to radio or television reception is suspected.

Radio and Television Interference
This computer equipment generates, uses, and can radiate radio-frequency energy. If it is not installed and used properly—that is, in strict accordance with Apple's instructions—it may cause interference with radio and television reception.

This equipment has been tested and found to comply with the limits for a Class B digital device in accordance with the specifications in Part 15 of FCC rules. These specifications are designed to provide reasonable protection against such interference in a residential installation. However, there is no guarantee that interference will not occur in a particular installation.

You can determine whether your computer system is causing interference by turning it off. If the interference stops, it was probably caused by the computer or one of the peripheral devices.

If your computer system does cause interference to radio or television reception, try to correct the interference by using one or more of the following measures:

- Turn the television or radio antenna until the interference stops.
- Move the computer to one side or the other of the television or radio.
- Move the computer farther away from the television or radio.
- Plug the computer in to an outlet that is on a different circuit from the television or radio. (That is, make certain the computer and the television or radio are on circuits controlled by different circuit breakers or fuses.)

If necessary, consult an Apple-authorized service provider or Apple. See the service and support information that came with your Apple product. Or, consult an experienced radio/television technician for additional suggestions.

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Important: Changes or modifications to this product not authorized by Apple Computer, Inc. could void the EMC compliance and negate your authority to operate the product.

This product was tested for EMC compliance under conditions that included the use of Apple peripheral devices and Apple shielded cables and connectors between system components. It is important that you use Apple peripheral devices and shielded cables and connectors between system components to reduce the possibility of causing interference to radios, television sets, and other electronic devices. You can obtain Apple peripheral devices and the proper shielded cables and connectors through an Apple Authorized Reseller. For non-Apple peripheral devices, contact the manufacturer or dealer for assistance. Responsible party (contact for FCC matters only): Apple Computer, Inc. Product Compliance, 1 Infinite Loop M/S 26-A, Cupertino, CA 95014-2084, 408-974-2000.

Industry Canada Statement

This Class B device meets all requirements of the Canadian interference-causing equipment regulations.

Cet appareil numérique de la classe B respecte toutes les exigences du Règlement sur le matériel brouilleur du Canada.

VCCI Class B Statement

情報処理装置等電波障害自主規制について

この装置は、情報処理装置等電波障害自主規制協議会 (VCCI) の基準に基づくクラス B 情報技術装置です。この装置は家庭環境で使用されることを目的としていますが、この装置がラジオやテレビジョン受信機に近接して使用されると、受信障害を引き起こすことがあります。

取扱説明書に従って正しい取扱をしてください。

European Community

Complies with European Directives 72/23/EEC and 89/336/EEC.

CE

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Battery
Your iPod contains a battery. Dispose of iPod according to your local environmental laws and guidelines.

Taiwan:

廢電池請回收

Nederlands: Gebruikte batterijen kunnen worden ingeleverd bij de chemokar of in een speciale batterijcontainer voor klein chemisch afval (kca) worden gedeponeerd.

Apple and the Environment
At Apple, we recognize our responsibility to minimize the environmental impacts of our operations and products.

For more information, go to www.apple.com/environment/summary.html.

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Apple Store and iTunes Music Store are service marks of Apple Computer, Inc., registered in the U.S. and other countries.

www.apple.com/ipod
www.apple.com/support/ipod

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IW 799158

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

February 21, 2006

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF THE FILE WRAPPER AND CONTENTS OF:

APPLICATION NUMBER: *09/755,723*
FILING DATE: *January 05, 2001*
PATENT NUMBER: *6,928,433*
ISSUE DATE: *August 09, 2005*

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Under Secretary of Commerce for Intellectual Property
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Jc841 U.S. PTO 09/755723 01/05/01

Class	Subclass	ISSUE CLASSIFICATION
707	4	

[redacted]

PATENT NUMBER 6928433

6928433

U.S. UTILITY Patent Application

O.I.P.E.	PATENT DATE
SCANNED 7/4 Q.A. 4/11	AUG 0 7 2005

APPLICATION NO.	CONT/PRIOR	CLASS	SUBCLASS	ART UNIT	EXAMINER
09/755723		~~71~~ 707	~~104~~ 4	~~2155~~ ~~2175~~ 2164	Ranes ~~PUNTP~~ Meljahic

APPLICANTS

Ron Goodman
Howard Egan

TITLE

Automatic hierarchical categorization of music by metadata

PTO-2040 12/99

ISSUING CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)						
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
707	4	707	3	102				
INTERNATIONAL CLASSIFICATION		386	46					
G 0 6 F	17/30							

☐ Continued on Issue Slip Inside File Jacket

7/16/05 **Formal Drawings (12 shts) set 14** 11/19/04

☐ TERMINAL DISCLAIMER	DRAWINGS			CLAIMS ALLOWED	
	Sheets Drwg.	Figs. Drwg.	Print Fig.	Total Claims	Print Claim for O.G.
	6	8	8	~~13~~ 16	1

☐ The term of this patent subsequent to _____ (date) has been disclaimed.

(Assistant Examiner) (Date)

NOTICE OF ALLOWANCE MAILED: 6/9/04

☐ The term of this patent shall not extend beyond the expiration date of U.S. Patent. No. _____

Charles Rones

CHARLES RONES
PRIMARY EXAMINER 6-8-04
(Primary Examiner) (Date)

ISSUE FEE

Amount Due	Date Paid
$1330	8/12/04 DG

☐ The terminal ___ months of this patent have been disclaimed.

A. White 6/7/04
(Legal Instruments Examiner) (Date)

ISSUE BATCH NUMBER

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The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.

Form PTO-436A (Rev. 6/99)

FILED WITH: ☐ DISK (CRF) ☐ FICHE ☐ CD-ROM (Attached in pocket on right inside flap)

ISSUE FEE IN FILE

CL 000041

(FACE)

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Bib Data Sheet

CONFIRMATION NO. 3728

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/755,723	01/05/2001 RULE	~~711~~ 707	~~2185~~ 2175	017002022500

APPLICANTS
Ron Goodman, Santa Cruz, CA;
Howard N. Egan, Capitola, CA;

** CONTINUING DATA ********** NONE

** FOREIGN APPLICATIONS ********** NONE

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 02/20/2001

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☒ no 35 USC 119 (a-d) conditions met ☐ yes ☒ no ☐ Met after Allowance Verified and Acknowledged Examiner's Signature Initials	CA	6	~~10~~ 13	~~3~~ 1

ADDRESS
20350

TITLE
Automatic hierarchical categorization of music by metadata

FILING FEE RECEIVED	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit
1000		

CL 000042

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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BIBDATASHEET

Bib Data Sheet

CONFIRMATION NO. 3728

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/755,723	01/05/2001 RULE	707	2164	017002022500

APPLICANTS

Ron Goodman, Santa Cruz, CA;
Howard N. Egan, Capitola, CA;
DAVID BRISTOW, BAINBRIDGE, WA;

** CONTINUING DATA ********** NONE

** FOREIGN APPLICATIONS ********** NONE

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 02/20/2001

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☑ no 35 USC 119 (a-d) conditions met ☐ yes ☑ no ☐ Met after Allowance Verified and Acknowledged _____ Examiner's Signature Initials	CA	6	~~10~~ 13	~~5~~ 1

ADDRESS
40032

TITLE
AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

FILING FEE RECEIVED	FEES: Authority has been given in Paper
1300	No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:

- ☐ All Fees
- ☐ 1.16 Fees (Filing)
- ☐ 1.17 Fees (Processing Ext. of time)
- ☐ 1.18 Fees (Issue)
- ☐ Other _____
- ☐ Credit

CL 000043

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

01/16/2001 EEKUBAY1 00000001 201430 09755723

01 FC:101 710.00 CH
02 FC:102 160.00 CH

PTO-1556
(5/87)

*U.S. GPO: 1999-459-082/19144

CL 000044

Please type a plus sign (+) ins[illegible] box → [+] 01/08/01

PTO/SB/05 (11-00)
Approved through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No.	17002-022500
First Inventor	Ron Goodman
Title	Automatic Hierarchical Categorization of Music by Metadata
Express Mail Label No.	EL769991701US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification [*Total Pages* 14]
   (preferred arrangement set forth below)
   - Descriptive title of the Invention
   - Cross References to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [*Total Sheets* 7]
5. Oath or Declaration [*Total Pages*]
   a. ☐ Newly executed (original or copy)
   b. ☐ Copy from a prior application (37 CFR 1.63 (d)) *(for a continuation/divisional with Box 18 completed)*
      i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ paper
   c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Unsigned Declaration/Power of Attorney, Fee Transmittal Sheet

18. **If a CONTINUING APPLICATION,** *check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:*

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____ / ____

Prior application information: *Examiner* ____ *Group / Art Unit:* ____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ *Customer Number or Bar Code Label* 20350 *(Insert Customer No. or Attach bar code label here)* or ☒ *Correspondence address below*

Name	Townsend and Townsend and Crew LLP				
Address	Two Embarcadero enter				
	Eighth Floor				
City	San Francisco	*State*	CA	*Zip Code*	94111-3834
Country	USA	*Telephone*	(415) 576-0200	*Fax*	(415) 576-0300

Name (Print/Type)	Charles E. Krueger	*Registration No. (Attorney/Agent)*	30,077
Signature		*Date*	1/5/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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PTO/SB/17 (11-00)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT ($) 870

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	RON GOODMAN
Examiner Name	
Group Art Unit	
Attorney Docket No.	17002-022500

jc841 U.S. PTO 09/755723 01/05/01

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) ($) 710

2. EXTRA CLAIM FEES

			Extra Claims		Fee from below		Fee Paid
Total Claims		**		=		X	=	
Independent Claims	5	**	2	=	80	X	=	160
Multiple Dependent						X	=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 160

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

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Charles E. Krueger	Registration No. Attorney/Agent	30,077	Telephone	415-576-0200
Signature				Date	1/5/01

CL 000046

DO NOT DESTROY

Attorney Docket No.: 17002-022500US
Client Reference No.: CT-1139

PATENT APPLICATION

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

Inventor:

RON GOODMAN, a citizen of the United States,
226 Jeter Street
Santa Cruz, CA 95060

HOWARD N. EGAN, a citizen of the United States,
219 Elinor Street
Capitola, CA 95010

Assignee:

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31 International Business Park
Creative Resource
Singapore 609921
Republic of Singapore

Entity: Large

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200

AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

ABSTRACT OF THE DISCLOSURE

A method, performed by software executing on the processor of a portable music playback device, that automatically files tracks according to hierarchical structure of categories to organize tracks in a logical order. A user interface is utilized to change the hierarchy, view track names, and select tracks for playback or other operations.