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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>	Attorney Docket No.	17002-022500
	First Inventor	Ron Goodman
	Title	Automatic Hierarchical Categorization of Music by Metadata
(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))		Express Mail Label No. EL769991701US

PTO  
01/05/01  
09/755723

<b>APPLICATION ELEMENTS</b>	<b>ADDRESS TO</b>
See MPEP chapter 600 concerning design patent application contents.	Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <input type="text" value="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. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <input type="text" value="7"/> ] 5. Oath or Declaration [Total Pages <input type="text" value="1"/> ] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for a continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 7. <input type="checkbox"/> 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. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies	<b>ACCOMPANYING APPLICATIONS PARTS</b> 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input checked="" type="checkbox"/> 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: \_\_\_\_\_ / \_\_\_\_\_

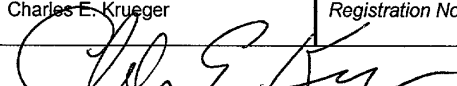
Prior application information: Examiner \_\_\_\_\_    Group / Art Unit: \_\_\_\_\_

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    or  Correspondence address below  
(Insert Customer No. or Attach bar code label here)

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

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**SONY Exhibit 1003**  
**SONY v. Creative**

<h2 style="margin: 0;">FEE TRANSMITTAL for FY 2001</h2> <p style="margin: 5px 0 0 20px;"><i>Patent fees are subject to annual revision.</i></p>	Complete if Known	
	Application Number	
	Filing Date	
	First Named Inventor	RON GOODMAN
	Examiner Name	
Group Art Unit		
TOTAL AMOUNT OF PAYMENT	(\$)	870
Attorney Docket No	17002-022500	

J-C-841 U.S. PTO  
 09/755723  
 01/06/01

<p><b>METHOD OF PAYMENT (check one)</b></p> <p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to</p> <p>Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">20-1430</span></p> <p>Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Townsend and Townsend and Crew LLP</span></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> Check            <input type="checkbox"/> Credit card            <input type="checkbox"/> Money Order            <input type="checkbox"/> Other       </p>	<p><b>FEE CALCULATION (continued)</b></p> <p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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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	
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<b>SUBMITTED BY</b>		Complete (if applicable)			
Name (Print/Type)	Charles E. Krueger	Registration No. Attorney/Agent	30,077	Telephone	415-576-0200
Signature				Date	1/5/01

**AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA**

**CROSS-REFERENCES TO RELATED APPLICATIONS**

5 This application is related to Application No. \_\_/\_\_, \_\_, entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," (Atty. Docket No. 17002-020800); and Application No. \_\_/\_\_, \_\_, entitled "Audioplayback Device with Power Savings Storage Access Mode," (Atty. Docket No. 17002-022400), all filed January 5, 2001, the disclosures of which are incorporated herein by reference.

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**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.

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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.

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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.

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Typically, portable devices have a user interface including a small screen and buttons. 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.

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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.

### SUMMARY OF THE INVENTION

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. CDDDB 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;  
5 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.

10

### **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  
15 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

20

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  
25 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.

30

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.

5 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
{
10     kTTNothing=0x00,
        kTTSong=0x01,
        kTTVoice=0x02,
        kTTBook=0x04,
        kTTMacro=0x08,
15     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  
20 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  
25 constants:

```
enum tFileTag
{
30     kFTNone='@',
        kFTTrackType='T',
        kFTTitle='N',
        kFTAudioFile='F',
        kFTArtist='M',
        kFTAlbum='L',
```

```
5      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.

10 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.

15 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):

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

30 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.

5                   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).

10

                  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).

15

                  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.

20

                  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).

25

                  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.

30

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			

**Required Attributes**

Attribute Name	Value(s)	Remarks
TITLE	ASCII string	<u>Required By Jukebox</u>
CODEC	“MP3”, “WMA”, “WAV”	<u>Required By Jukebox</u>
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

5 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.

10

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.

5 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.

10

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 ()

15

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

20

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.

25

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.





**WHAT IS CLAIMED IS:**

1           1.       A method, performed by a processor in a portable digital music player,  
2 for filing audio tracks stored on a computer readable media, with each audio track having  
3 metadata associated therewith including category value data for naming attributes of the track  
4 and type data indicating the type of track, said method comprising the acts of:  
5                 reading a definition file that defines an ordered hierarchical tree structure, with  
6 the file including category names for naming the branch under which tracks are sorted, track  
7 type information specifying which type of tracks are to be sorted under the branch, and  
8 structure information defining how to file tracks based on associated metadata;  
9                 for each track, iteratively determining, base on metadata describing the track,  
10 if the track belongs in the branch, and, for each branch in which the track belongs, traversing  
11 the branch to determine the appropriate location to file the track.

1           2.       The method of claim 1, where said act of searching further comprises  
2 the acts of:  
3                 utilizing track type information to file only tracks of a specified type under a  
4 particular branch.

1           3.       The method of claim 1 further comprising the acts of:  
2                 for each branch, utilizing category structure information to file tracks in a  
3 specified attribute order.

1           4.       The method of claim 1, where said portable digital music player  
2 includes a display screen and a user interface for interacting with the display, further  
3 comprising the acts of:  
4                 displaying the categories and subcategories on the display in a hierarchical  
5 order;  
6                 displaying all names of tracks associated with a category or sub-category  
7 when a user utilizes the interface to select a category or sub-category;

8                   utilizing the pointer to access and play a track when a user selects a track  
9 name through the user interface. and  
10                   utilizing the pointer to access and play a collection of tracks within a category  
11 or subcategory when a user selects a category or subcategory through the user interface.

1                   5.       A method, implemented by a processor in a portable digital music  
2 player, for associating metadata with audio tracks comprising the acts of:  
3                   opening a formatted file for each track comprising a file data portion and a file  
4 attributes portion, with the file attributes portion including a plurality of fields corresponding  
5 to category types and file types;  
6                   storing an unmodified audio track in the file data portion of the formatted file;  
7 and  
8                   storing category type and file type information about the unmodified track in  
9 corresponding fields.

1                   6.       A method, performed by a processor in a portable digital music player,  
2 for filing audio tracks, stored on a computer readable media, under categories in an in-  
3 memory tree structure, with each audio track having metadata associated therewith including  
4 category name data for naming, said method comprising the acts of:  
5                   upon startup or when a track is added or changed, searching the metadata of  
6 each track; and  
7                   for each track, automatically filing the track by category name under each  
8 selected category to form a hierarchical track filing scheme.

1                   7.       The method of claim 6 further comprising the act of:  
2                   selecting the categories to be the Album including the track, the title of the  
3 track, and the name of the artist that recorded the track.

1                   8.       The method of claim 6, where said portable digital music player  
2 includes a display screen and a user interface for interacting with the display, further  
3 comprising the acts of:  
4                   displaying the categories on the display in a hierarchical order;  
5                   displaying all names of tracks associated with a category when a user utilizes  
6 the interface to select a category ;  
7                   accessing and playing a track when a user selects a track name through the  
8 user interface. and  
9                   accessing and playing a collection of tracks within a category when a user  
10 selects a category through the user interface.

1                   9.       A computer program product comprising:  
2                   a computer readable medium having program code embodied therein for filing  
3 audio tracks stored on a computer readable media, with each audio track having metadata  
4 associated therewith including category value data for naming attributes of the track and type  
5 data indicating the type of track, said program code comprising:  
6                   program code, executed by a processor, for reading a definition file that  
7 defines an ordered hierarchical tree structure, with the file including category names for  
8 naming the branch under which tracks are sorted, track type information specifying which  
9 type of tracks are to be sorted under the branch, and structure information defining how to  
10 file tracks based on associated metadata;  
11                   program code, executed by a processor, for each track, for iteratively  
12 determining, base on metadata describing the track, if the track belongs in the branch, and,  
13 for each branch in which the track belongs, traversing the branch to determine the appropriate  
14 location to file the track.

1                   10.     A computer program product comprising:  
2                   a computer readable medium for having program code embodied therein for  
3 filing audio tracks, stored on a computer readable media, under categories in an in-memory  
4 tree structure, with each audio track having metadata associated therewith including category  
5 name data for naming, said program code comprising:





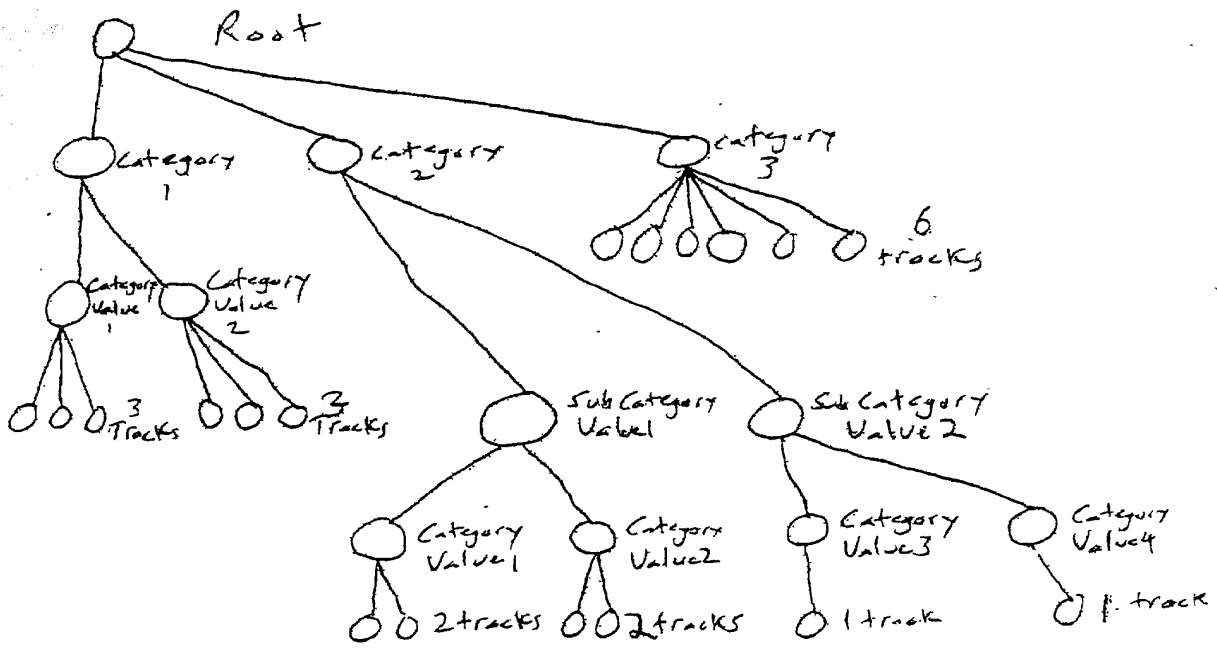


Fig. 1

For example:

- Category 1 = Album Name
  - Category Value 1 = Abbey Road
  - Category Value 2 = Hits from the 60's
- Category 2 = Artist Name
  - Sub Category Value 1 = British Artists
  - Sub Category 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

V1.0

Albums | 0x01 | BLBN

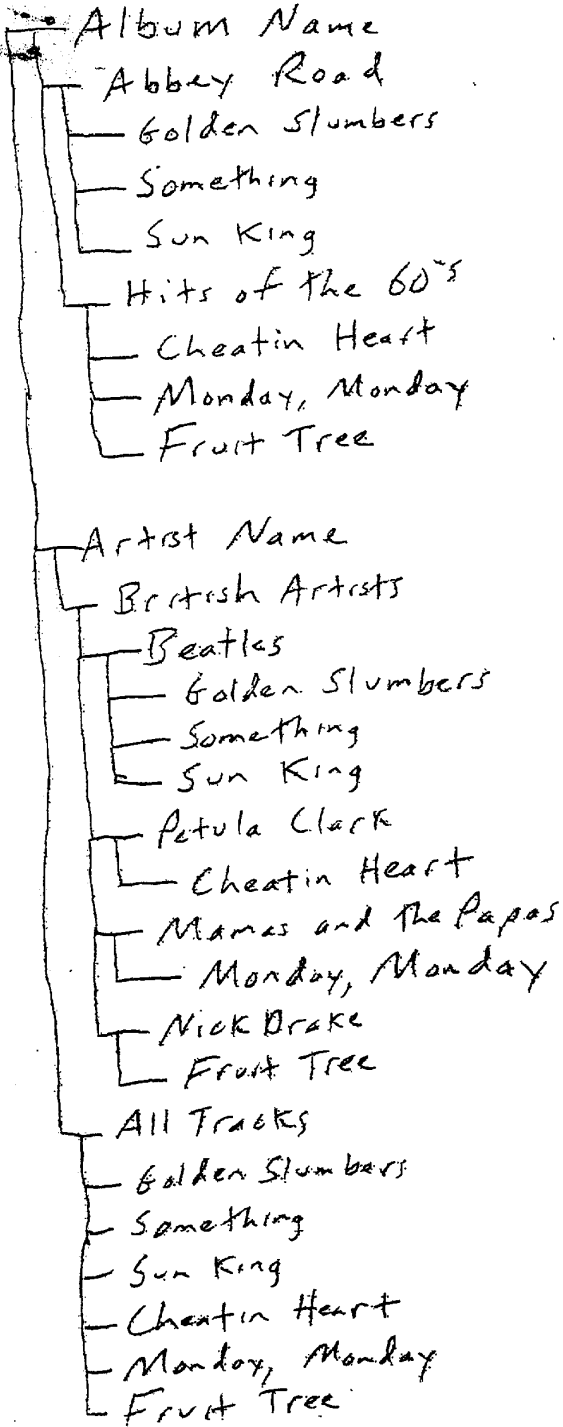
Artists | 0x01 | BCBMBN

All Tracks | 0x01 | BN

Fig. 2

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Fig. 3





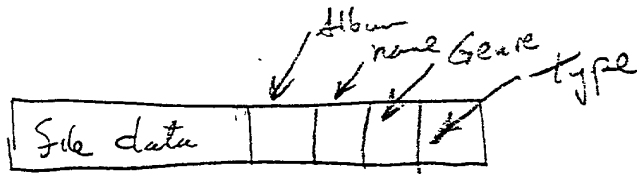
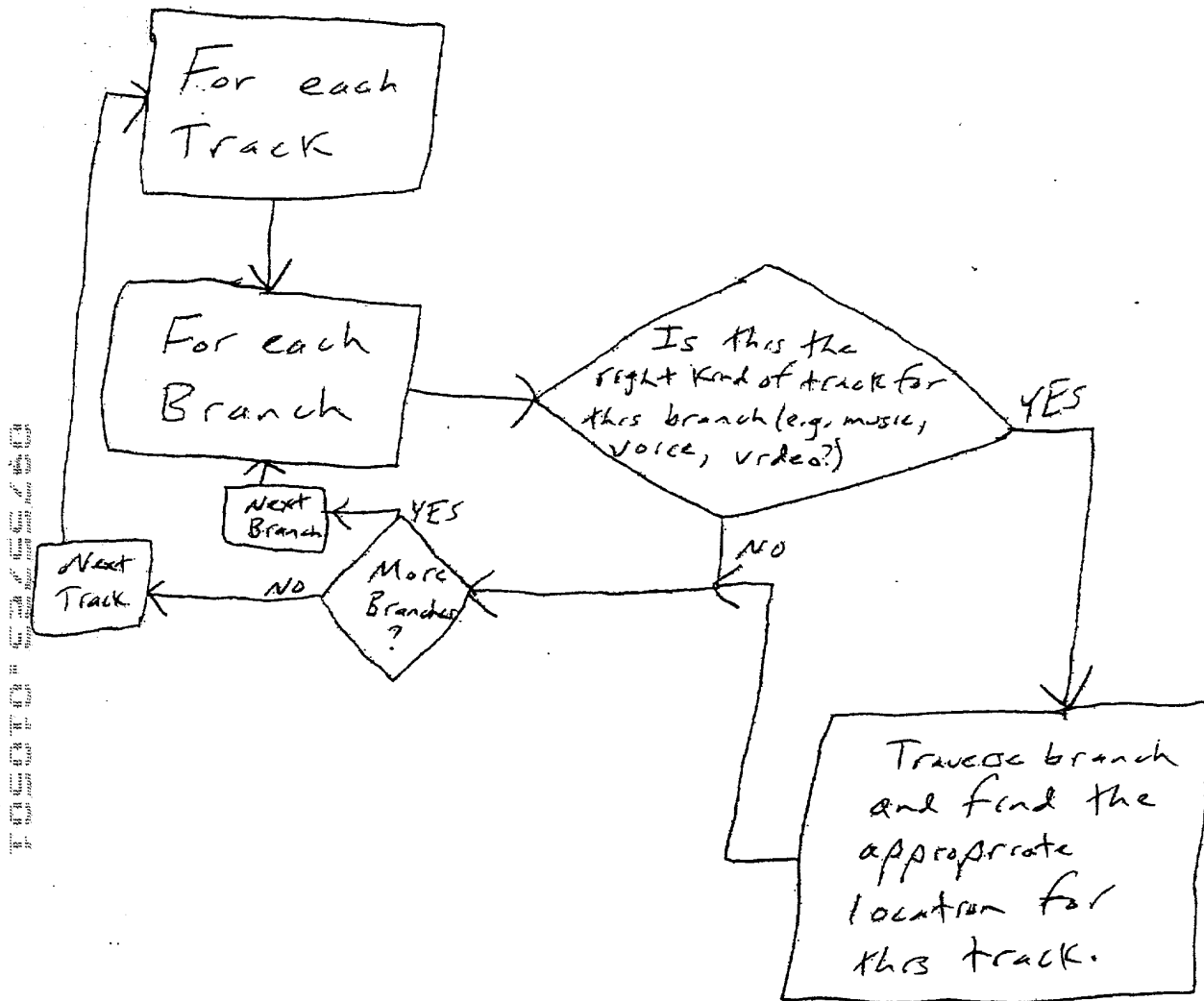


Fig. 5

Figure 6



SONY Exhibit 1003 - Page 23

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

Fig. 7

THESE ARE THE NAMES OF THE CHILDREN WHO WERE IN THE CLASS AT THE TIME OF THE ACCIDENT.

		New Kid In Town
	Graceland	The Boy In The Bubble
		Graceland

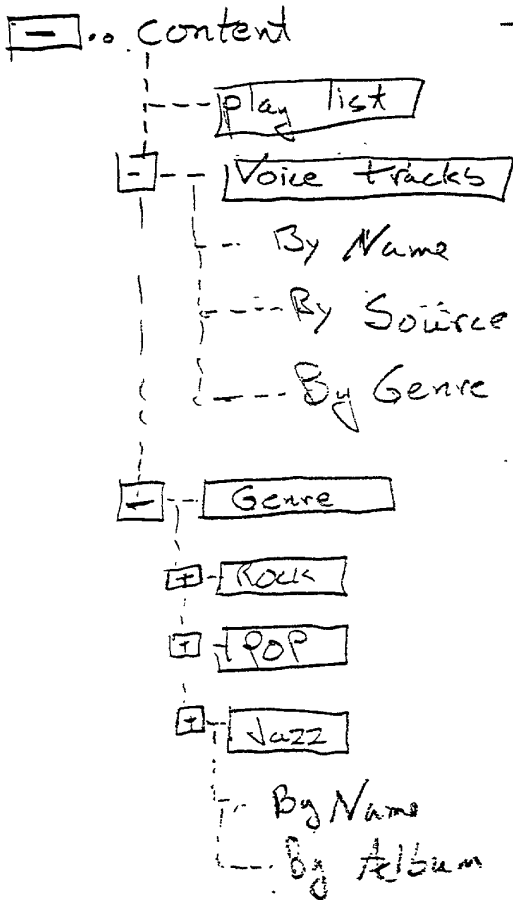


Fig. 4

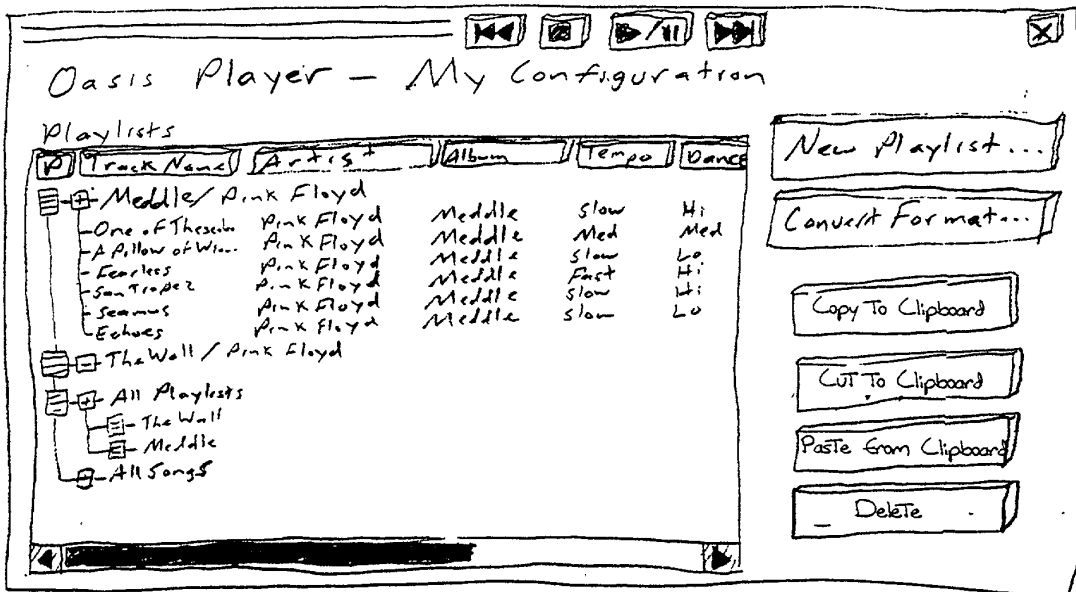


Fig. 8

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I 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 inventors are named 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 or \_\_\_\_\_ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I 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.

I 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 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
unknown	January 5, 2001	pending
unknown	January 5, 2001	pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Charles E. Krueger, Reg. No. 30,077  
 Paul C. Haughey, Reg. No. 31,836  
 Charles J. Kulas, Reg. No. 35,809  
 Daniel D. Tagliaferri, Reg. No. 43,178

Send Correspondence to: <b>Charles E. Krueger</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Charles E. Krueger Reg. No.: 30,077 Telephone: 415-576-0200
---	--

Full Name of Inventor 1:	Last Name: <b>GOODMAN</b>	First Name: <b>RON</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Santa Cruz</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>226 Jeter Street</b>	City: <b>Santa Cruz</b>	State/Country: <b>California</b>
			Postal Code: <b>95060</b>



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PTO/SB/05 (11-00)

Approved through 10/31/2002. OMB 0651-0032  
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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>		Attorney Docket No.	17002-022500
		First Inventor	Ron Goodman
		Title	Automatic Hierarchical Cateogrization of Music by Metadata
(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))		Express Mail Label No.	EL769991701US

1c811 U.S. PTO  
 09/755723  
 01/05/01

<b>APPLICATION ELEMENTS</b>	<b>ADDRESS TO</b>
See MPEP chapter 600 concerning design patent application contents.	Assistant Commissioner for Patents Box Patent Application Washington, DC 20231

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  ]  
(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  ]
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

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. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement of Attorney (when there is an assignee)	<input type="checkbox"/> Power of Attorney
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations
13. <input type="checkbox"/> Preliminary Amendment	
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15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input checked="" type="checkbox"/> Other: Unsigned Declaration/Power of Attorney, Fee Transmittal Sheet	

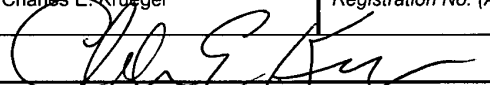
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

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					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		20350	or <input checked="" type="checkbox"/> Correspondence address below		
		(Insert Customer No. or Attach bar code label here)			
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

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<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="margin: 5px 0 0 0;"><i>Patent fees are subject to annual revision.</i></p>		Complete if Known	
		Application Number	
		Filing Date	
		First Named Inventor	RON GOODMAN
		Examiner Name	
Group Art Unit			
TOTAL AMOUNT OF PAYMENT (\$)		870	
Attorney Docket No.		17002-022500	

J-6841 U.S. PTO  
 09/755723  
 01/05/01

<p><b>METHOD OF PAYMENT (check one)</b></p> <p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <span style="border: 1px solid black; padding: 2px;">20-1430</span></p> <p>Deposit Account Name: <span style="border: 1px solid black; padding: 2px;">Townsend and Townsend and Crew LLP</span></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> Check                    <input type="checkbox"/> Credit card                    <input type="checkbox"/> Money Order                    <input type="checkbox"/> Other             </p>	<p><b>FEE CALCULATION (continued)</b></p> <p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid      <b>SUBTOTAL (3)</b> (\$)</p>	Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - 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<b>SUBMITTED BY</b>		Complete (if applicable)			
Name (Print/Type)	Charles E. Krueger	Registration No. Attorney/Agent	30,077	Telephone	415-576-0200
Signature			Date	1/5/01	

Attorney Docket No.: 17002-022500US  
Client Reference No.: CT-1139

DO NOT DESTROY

**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:

**CREATIVE TECHNOLOGY LTD.**  
31 International Business Park  
Creative Resource  
Singapore 609921  
Republic of Singapore

Entity: Large

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200



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.

### SUMMARY OF THE INVENTION

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. CDDDB 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;  
5 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.

### 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  
15 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

20 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  
25 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.

30 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
{
10      kTTNothing=0x00,
        kTTSong=0x01,
        kTTVoice=0x02,
        kTTBook=0x04,
        kTTMacro=0x08,
15      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
{
30      kFTNone='@',
        kFTTrackType='T',
        kFTTitle='N',
        kFTAudioFile='F',
        kFTArtist='M',
        kFTAlbum='L',
```

```
    kFTGenre='G',
    kFTSource='S',
    kFTYear='Y',
    kFTArtistCountry='C'
5      };
```

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:

```
10 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):

```

20 V1.0
   Album|0x01|BLBN
   Artist|0x01|BMBN
   Genre|0x01|BGBN
   Voice Tracks|0x02|BSBGBN
   Playlists|0x10|BN
25 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.

5                   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  
10 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  
15 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.

20                   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  
25 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,  
30 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			

Required Attributes

Attribute Name	Value(s)	Remarks
TITLE	ASCII string	<u>Required By Jukebox</u>
CODEC	“MP3”, “WMA”, “WAV”	<u>Required By Jukebox</u>
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,

5 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.

10

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.

5 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.

10

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 ()

15 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

20

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.

25

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.



**WHAT IS CLAIMED IS:**

1046 BT7

1. A method, performed by a processor in a portable digital music player,  
2 for filing audio tracks stored on a computer readable media, with each audio track having  
3 metadata associated therewith including category value data for naming attributes of the track  
4 and type data indicating the type of track, said method comprising the acts of:  
5 reading a definition file that defines an ordered hierarchical tree structure, with  
6 the file including category names for naming the branch under which tracks are sorted, track  
7 type information specifying which type of tracks are to be sorted under the branch, and  
8 structure information defining how to file tracks based on associated metadata;  
9 for each track, iteratively determining, base on metadata describing the track,  
10 if the track belongs in the branch, and, for each branch in which the track belongs, traversing  
11 the branch to determine the appropriate location to file the track.

1 2. The method of claim 1, where said act of searching further comprises  
2 the acts of:  
3 utilizing track type information to file only tracks of a specified type under a  
4 particular branch.

1 3. The method of claim 1 further comprising the acts of:  
2 for each branch, utilizing category structure information to file tracks in a  
3 specified attribute order.

1 4. The method of claim 1, where said portable digital music player  
2 includes a display screen and a user interface for interacting with the display, further  
3 comprising the acts of:  
4 displaying the categories and subcategories on the display in a hierarchical  
5 order;  
6 displaying all names of tracks associated with a category or sub-category  
7 when a user utilizes the interface to select a category or sub-category;

8 utilizing the pointer to access and play a track when a user selects a track  
9 name through the user interface. and  
10 utilizing the pointer to access and play a collection of tracks within a category  
11 or subcategory when a user selects a category or subcategory through the user interface.

1 5. A method, implemented by a processor in a portable digital music  
2 player, for associating metadata with audio tracks comprising the acts of:  
3 opening a formatted file for each track comprising a file data portion and a file  
4 attributes portion, with the file attributes portion including a plurality of fields corresponding  
5 to category types and file types;  
6 storing an unmodified audio track in the file data portion of the formatted file;  
7 and  
8 storing category type and file type information about the unmodified track in  
9 corresponding fields.

506 B27  
2 6. A method, performed by a processor in a portable digital music player,  
3 for filing audio tracks, stored on a computer readable media, under categories in an in-  
4 memory tree structure, with each audio track having metadata associated therewith including  
5 category name data for naming, said method comprising the acts of:  
6 upon startup or when a track is added or changed, searching the metadata of  
7 each track; and  
8 for each track, automatically filing the track by category name under each  
9 selected category to form a hierarchical track filing scheme.

1 7. The method of claim 6 further comprising the act of:  
2 selecting the categories to be the Album including the track, the title of the  
3 track, and the name of the artist that recorded the track.

1           8.       The method of claim 6, where said portable digital music player  
2 includes a display screen and a user interface for interacting with the display, further  
3 comprising the acts of:  
4           displaying the categories on the display in a hierarchical order;  
5           displaying all names of tracks associated with a category when a user utilizes  
6 the interface to select a category ;  
7           accessing and playing a track when a user selects a track name through the  
8 user interface. and  
9           accessing and playing a collection of tracks within a category when a user  
10 selects a category through the user interface.

1           9.       A computer program product comprising:  
2           a computer readable medium having program code embodied therein for filing  
3 audio tracks stored on a computer readable media, with each audio track having metadata  
4 associated therewith including category value data for naming attributes of the track and type  
5 data indicating the type of track, said program code comprising:  
6           program code, executed by a processor, for reading a definition file that  
7 defines an ordered hierarchical tree structure, with the file including category names for  
8 naming the branch under which tracks are sorted, track type information specifying which  
9 type of tracks are to be sorted under the branch, and structure information defining how to  
10 file tracks based on associated metadata;  
11           program code, executed by a processor, for each track, for iteratively  
12 determining, base on metadata describing the track, if the track belongs in the branch, and,  
13 for each branch in which the track belongs, traversing the branch to determine the appropriate  
14 location to file the track.

1           10.     A computer program product comprising:  
2           a computer readable medium for having program code embodied therein for  
3 filing audio tracks, stored on a computer readable media, under categories in an in-memory  
4 tree structure, with each audio track having metadata associated therewith including category  
5 name data for naming, said program code comprising:

6 program code, executed by a processor, upon startup or when a track is added  
7 or changed, for searching the metadata of each track; and  
8 program code, executed by a processor, for each track, for automatically filing  
9 the track by category name under each selected category to form a hierarchical track filing  
10 scheme.

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**AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA**

**ABSTRACT OF THE DISCLOSURE**

5 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.

SF 1174925 v2

Vertical text on the left margin, likely a page number or reference marker, appearing as a column of small characters.

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I 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 inventors are named 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 or \_\_\_\_\_ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I 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.

I 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 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
unknown	January 5, 2001	pending
unknown	January 5, 2001	pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Charles E. Krueger, Reg. No. 30,077  
 Paul C. Haughey, Reg. No. 31,836  
 Charles J. Kulas, Reg. No. 35,809  
 Daniel D. Tagliaferri, Reg. No. 43,178

Send Correspondence to: <b>Charles E. Krueger</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Charles E. Krueger Reg. No.: 30,077 Telephone: 415-576-0200
---	--

Full Name of Inventor 1:	Last Name: <b>GOODMAN</b>	First Name: <b>RON</b>	Middle Name or Initial:
Residence & Citizenship:	City: <b>Santa Cruz</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>226 Jeter Street</b>	City: <b>Santa Cruz</b>	State/Country: <b>California</b>
			Postal Code: <b>95060</b>

Full Name of Inventor 2:	Last Name: <b>EGAN</b>	First Name: <b>HOWARD</b>	Middle Name or Initial: <b>N.</b>	
Residence & Citizenship:	City: <b>Capitola</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>219 Elinor Street</b>	City: <b>Capitola</b>	State/Country: <b>California</b>	Postal Code: <b>95010</b>

I further 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 issuing thereon.

Signature of Inventor 1	Signature of Inventor 2
<hr/>	<hr/>
RON GOODMAN	HOWARD N. EGAN
Date	Date

SF 1175410 v1  
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\*BIBDATASHEET\*

Bib Data Sheet

CONFIRMATION NO. 3728

<b>SERIAL NUMBER</b> 09/755,723	<b>FILING OR 371(c) DATE</b> 01/05/2001 <b>RULE</b>	<b>CLASS</b> 707	<b>GROUP ART UNIT</b> 2164	<b>ATTORNEY DOCKET NO.</b> 017002022500	
<b>APPLICANTS</b> Ron Goodman, Santa Cruz, CA; Howard N. Egan, Capitola, CA; DAVID BRISTOW, BAINBRIDGE, WA;					
** CONTINUING DATA ***** NONE <i>QU</i>					
** FOREIGN APPLICATIONS ***** NONE <i>CA</i>					
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED</b> ** 02/20/2001					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		<b>STATE OR COUNTRY</b> CA	<b>SHEETS DRAWING</b> 6	<b>TOTAL CLAIMS</b> <del>10</del> 13	<b>INDEPENDENT CLAIMS</b> <del>5</del> 1
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance					
Verified and Acknowledged Examiner's Signature _____ Initials _____					
<b>ADDRESS</b> 40032					
<b>TITLE</b> AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA					
<b>FILING FEE RECEIVED</b> 1300	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



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 WASHINGTON, D.C. 20231  
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Bib Data Sheet

CONFIRMATION NO. 3728

<b>SERIAL NUMBER</b> 09/755,723	<b>FILING DATE</b> 01/05/2001	<b>CLASS</b> -71T 707	<b>GROUP ART UNIT</b> 2485 2175	<b>ATTORNEY DOCKET NO.</b> 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 <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY CA	SHEETS DRAWING 6	TOTAL CLAIMS 13	INDEPENDENT CLAIMS 51
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature: [Signature] Initials: [Initials]				

**ADDRESS**

20350

**TITLE**

Automatic hierarchical categorization of music by metadata

<b>FILING FEE RECEIVED</b> 1000	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )
		<input type="checkbox"/> 1.18 Fees ( Issue )
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective October 1, 2000

Application or Docket Number

09755723

**CLAIMS AS FILED - PART I**

(Column 1) (Column 2)

TOTAL CLAIMS	10	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	10 minus 20= *	0
INDEPENDENT CLAIMS	5 minus 3 = *	2
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

\* If the difference in column 1 is less than zero, enter "0" in column 2

**SMALL ENTITY**  
TYPE

OR  
**OTHER THAN SMALL ENTITY**

RATE	FEE
BASIC FEE	355.00
X\$ 9=	
X40=	
+135=	
TOTAL	

RATE	FEE
BASIC FEE	710.00
X\$18=	
X80=	160.00
+270=	
TOTAL	870.00

**CLAIMS AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

<b>AMENDMENT A</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

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RATE	ADDI- TIONAL FEE
X\$ 9=	
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+135=	
TOTAL ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

<b>AMENDMENT B</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

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X\$ 9=	
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TOTAL ADDIT. FEE	

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X80=	
+270=	
TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

<b>AMENDMENT C</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	*	Minus	**	=
	Independent	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

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X40=	
+135=	
TOTAL ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL ADDIT. FEE	

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

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

01/24/80. LENDRY1 00000001 201430 09755723

SEARCH	70.00 CH
POSTAGE	160.00 CH

PTO-1556  
(5/87)

\*U.S. GPO: 1999-453-082/19144

# CLAIMS ONLY

SERIAL NO. **09755723**

FILING DATE

APPLICANT(S)

CLAIMS							*		*		*	
	AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT							
	IND.	DEP.	IND.	DEP.	IND.	DEP.						
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TOTAL IND.	5						TOTAL IND.					
TOTAL DEP.							TOTAL DEP.					
TOTAL CLAIMS							TOTAL CLAIMS					

\* MAY BE USED FOR ADDITIONAL CLAIMS OR ADMMENDMENTS

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



16841 U.S. PTO  
09/755723



01/05/01

Class	Subclass
707	4

PATENT NO. 6928433

U.S. UTILITY Patent Application

MITAGS O.I.P.E. 3 PATENT DATE AUG 29 2003  
 SCANNED G.W. G.A. [Signature]

APPLICATION NO.	CONT/PRIOR	CLASS	SUBCLASS	ART UNIT	EXAMINER
09/755723		707	4	255	FCNIT

APPLICANTS  
 Ron Goodman  
 Howard Egan

275  
 2164

Automatic hierarchical categorization of music by metadata

MAY 16 2006

ISSUING CLASSIFICATION			
ORIGINAL		CROSS REFERENCE(S)	
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)
707	4	707	3 102
INTERNATIONAL CLASSIFICATION		386	46
G06F	17/30		

7/16/05 Formal Drawings (12 sheets) set 14 11/19/04

<input type="checkbox"/> <b>TERMINAL DISCLAIMER</b> The term of this patent subsequent to _____ (date) has been disclaimed. _____ (Assistant Examiner) _____ (Date)	<b>DRAWINGS</b> Sheets Drwg. 6 Figs. Drwg. 8 Print Fig. 8			<b>CLAIMS ALLOWED</b> Total Claims 16 Print Claim for O.G. 1	
	<input type="checkbox"/> The term of this patent shall not extend beyond the expiration date of U.S. Patent No. _____ _____ (Primary Examiner) 6-8-04 (Date)			<b>NOTICE OF ALLOWANCE MAILED</b> 6/19/04	
<input type="checkbox"/> The terminal _____ months of this patent have been disclaimed. _____ (Legal Instruments Examiner) _____ (Date)	<b>ISSUE FEE</b> Amount Due \$1330 Date Paid 8/12/04			<b>ISSUE BATCH NUMBER</b> _____	

WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 366. 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

(FACE)

SEARCHED			
Class	Sub.	Date	Exmr.
84	609 601 602 611-614	01/08/03	Ⓢ
707	104.1 3 4 102	↓	↓
386	46	7-24-03	CLR
<del>707</del>	<del>3 4 102 46</del>	<del>6-8-04</del>	<del>CLR</del>
↓ 386			

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	Date	Exmr.
SEARCHED EAST (USPAT; US-PAT PUB EPO; JPO; DERIVAT (IBM.TOB))	01/08/03	Ⓢ
SEARCH NOTES ATTACHED	↓	↓
EAST	7-24-03	CLR
EAST	6-8-04	CLR

INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.
<del>707</del>	<del>3 4 102 46</del>	<del>6-8-04</del>	<del>CLR</del>
↓ 386			

ISSUE SLIP STAPLE AREA (for additional cross references)

FUNCTION	INITIALS	ID NO.	DATE
FEE DETERMINATION			
O.I.P.E. CLASSIFIER	<i>mm</i>	<i>mm</i>	<i>2/2</i>
FORMALITY REVIEW	<i>mm</i>	<i>1027</i>	<i>6-2-01</i>
RESPONSE FORMALITY REVIEW	<i>mm</i>	<i>mm</i>	<i>6-5-01</i>

INDEX OF CLAIMS

- ✓ ..... Rejected
- ..... Allowed
- (Through numeral)..... Canceled
- ± ..... Restricted
- N ..... Non-elected
- I ..... Interference
- A ..... Appeal
- O ..... Objected

Claim	Final	Original	Date
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If more than 150 claims or 10 actions  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/755,723	01/05/2001	Ron Goodman	17002-022500

**CONFIRMATION NO. 3728**

 20350  
 TOWNSEND AND TOWNSEND AND CREW  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

**FORMALITIES LETTER**


\*OC00000005783175\*

Date Mailed: 02/21/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**
**FILED UNDER 37 CFR 1.53(b)**
***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
  
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

***A copy of this notice MUST be returned with the reply.***

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

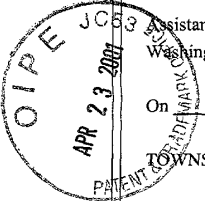
PART 3 - OFFICE COPY

#12

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Attorney Docket No.: 017002-022500US  
Client Reference No.: CT-1139

PATENT



Assistant Commissioner for Patents  
Washington, D.C. 20231

On 4-18-01

TOWNSEND and TOWNSEND and CREW LLP  
By: [Signature]

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

In re application of:  
  
GOODMAN et al.  
  
Application No.: 09/755,723  
  
Filed: January 5, 2001  
  
For: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Art Unit: 2185  
PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:  
  
Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE SPECIFICATION:

Please substitute the following for the paragraph appearing on page 1 under the CROSS-REFERENCES TO RELATED APPLICATIONS heading. A marked up version of the paragraph is appended to this amendment.

--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," (Atty. Docket No. 17002-020800); and Application No. 09/755,367, entitled "Audioplayback Device with Power Savings Storage Access Mode," (Atty. Docket No. 17002-022400), both filed January 5, 2001, the disclosures of which are incorporated herein by reference.--

5

TOWNSEND AND CREW LLP

REMARKS

By this amendment information regarding related applications that was not available at the time of filing has been added. Entrance of the amendment 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 E. Krueger  
Reg. No. 30,077

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
CEK:deb  
SF 1210990 v1

TOWNSEND and CREW LLP

Marked Up Version of Amended Paragraph 09/755.723

5 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,”  
(Atty. Docket No. 17002-020800); and Application No. [ \_\_\_ / \_\_\_ , \_\_\_ ] 09/755,367, entitled  
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17002-022400), **[all] both** filed January 5, 2001, the disclosures of which are incorporated herein  
by reference.

09/755,629





#5

**Inventor Information**

Inventor One Given Name::	RON
Family Name::	GOODMAN
Name Suffix::	
Postal Address Line One::	226 Jeter Street
City::	Santa Cruz
State or Province::	CA
Postal or Zip Code::	95060
Citizenship Country::	US

Inventor Two Given Name::	HOWARD
Family Name::	EGAN
Name Suffix::	
Postal Address Line One::	219 Elinor Street
City::	Capitola
State or Province::	CA
Postal or Zip Code::	95010
Citizenship Country::	US

**Correspondence Information**

Correspondence Customer Number::	20350
----------------------------------	-------

**Application Information**

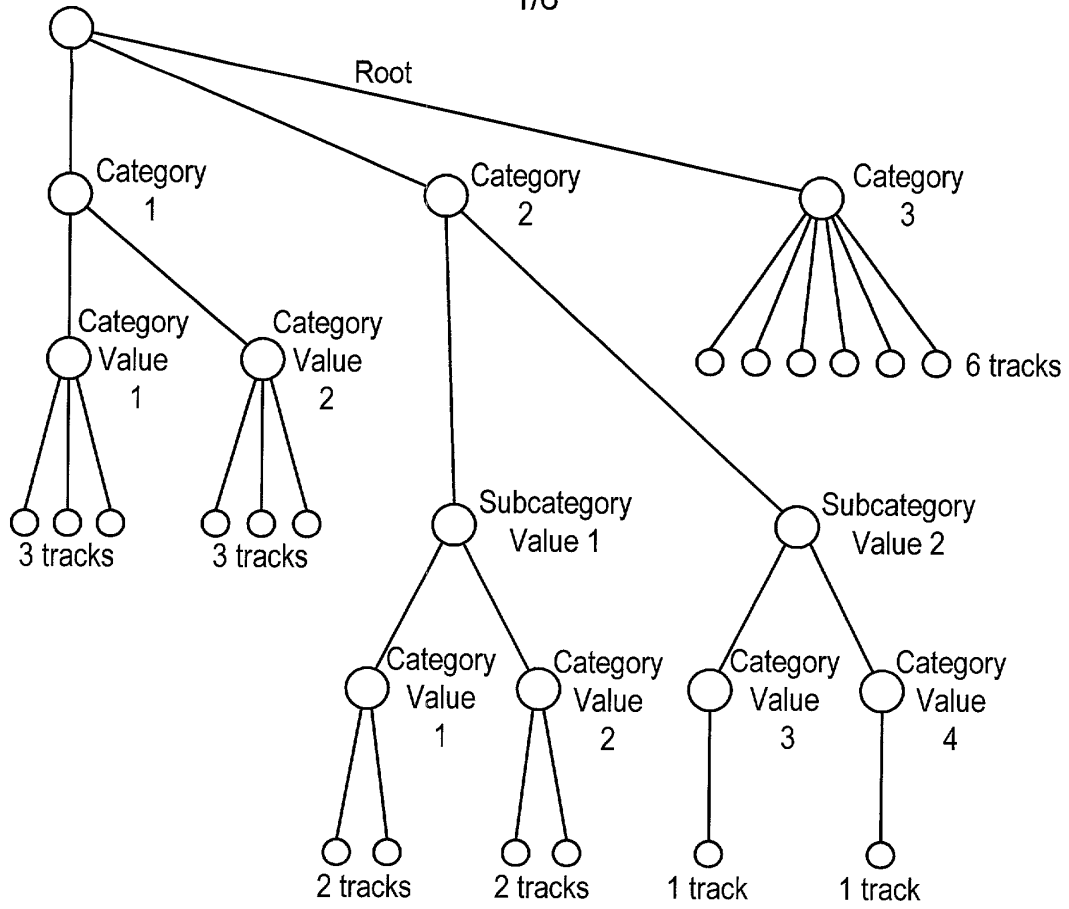
Title Line One::	AUTOMATIC HIERARCHICAL
Title Line Two::	CATEGORIZATION OF
Title Line Three::	MUSIC BY METADATA
Total Drawing Sheets::	6
Formal Drawings?::	Yes
Application Type::	Utility
Docket Number::	017002022500
Secrecy Order in Patent Appl.?::	No

017002022500

#3

1/6

+



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.**

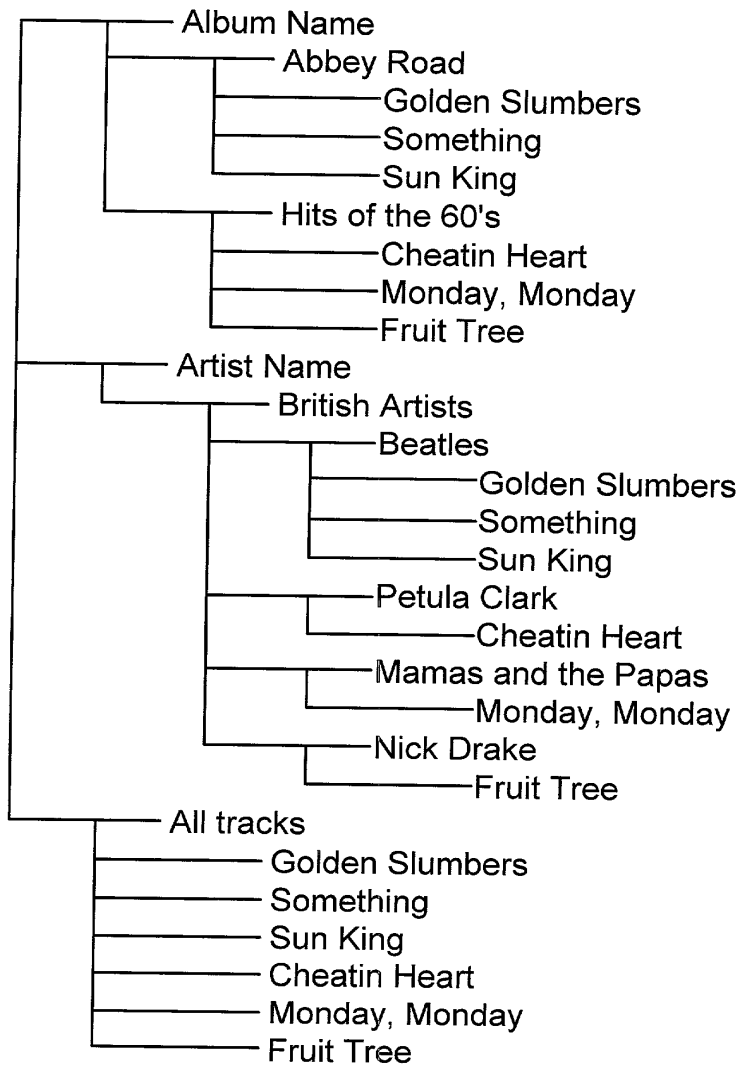
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V1.0  
Albums|0x01|BLBN  
Artists|0x01|BCBMBN  
All Tracks|0x01|BN

**FIG. 2.**

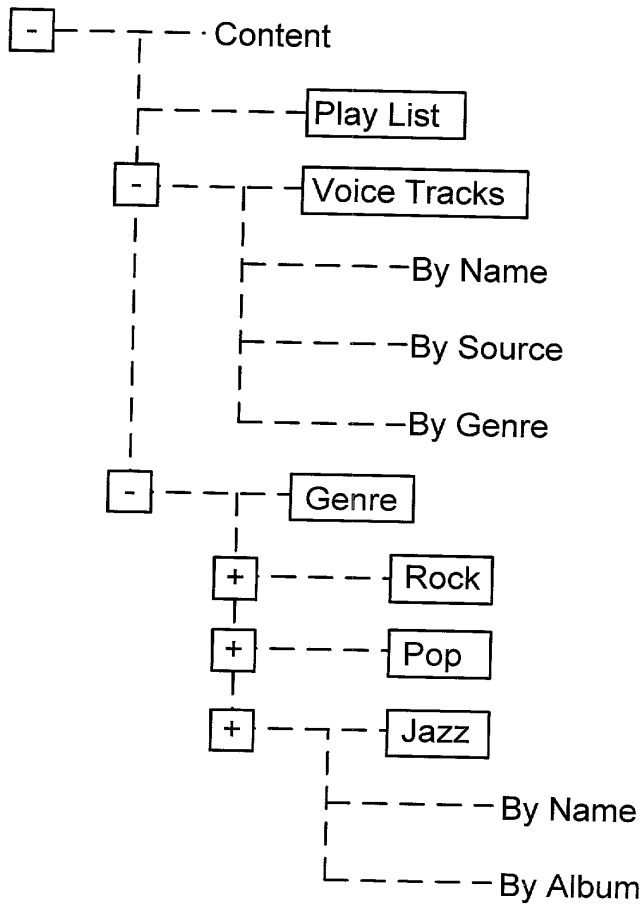
30 25 20 15 10 5



**FIG. 3.**



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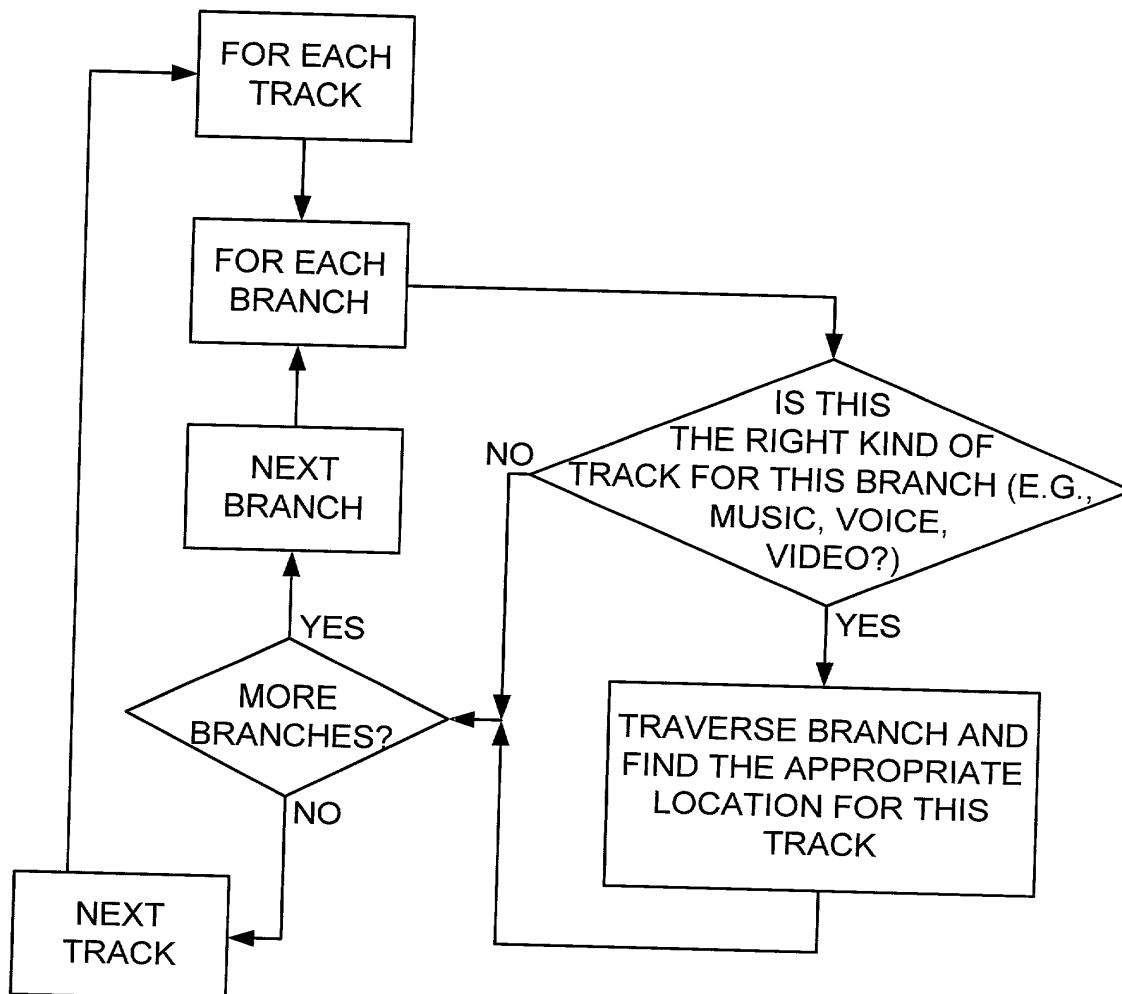


**FIG. 4.**

file data	album	name	genre	type
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**FIG. 5.**

+



TOP SECRET

**FIG. 6.**



FOIA b 7 - Exemption 7

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Albums	Full Moon Fever	Free Falling I Won't Back Down 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.

**Oasis Play - My Configuration**

Playlists

P	Track Name	Artist	Album	Tempo	Dance
+ [ ]	Meddle/Pink Floyd	Pink Floyd	Meddle	Slow	Hi
- [ ]	One of these days	Pink Floyd	Meddle	Med	Med
- [ ]	A Pillow of W...	Pink Floyd	Meddle	Slow	Lo
- [ ]	Fearless	Pink Floyd	Meddle	Fast	Hi
- [ ]	San Tropez	Pink Floyd	Meddle	Slow	Hi
- [ ]	Sea	Pink Floyd	Meddle	Slow	Lo
- [ ]	Echoes	Pink Floyd	Meddle	Slow	Lo
- [ ]	The Wall/Pink Floyd				
+ [ ]	All Playlists				
- [ ]	The Wall				
- [ ]	Meddle				
- [ ]	All Songs				

New Playlist...  
 Convert Format...  
 Copy To Clipboard  
 Cut To Clipboard  
 Paste from Clipboard  
 Delete

FIG. 8.



HB

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/755,723	01/05/2001	Ron Goodman	17002-022500

CONFIRMATION NO. 3728

20350  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER



\*OC000000005783175\*

Date Mailed: 02/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

TOWNSEND & TOWNSEND  
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01 FEB 26 AM 10:41  
TOWNSEND & TOWNSEND

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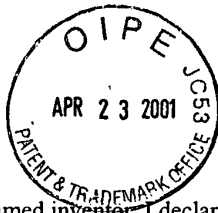
01 FC:105 130.00 CH

09755723

A copy of this notice MUST be returned with the reply.



Ikirle Geromeu  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I 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 inventors are named 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 or \_\_\_\_\_ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I 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.

I 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 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
unknown	January 5, 2001	pending
unknown	January 5, 2001	pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

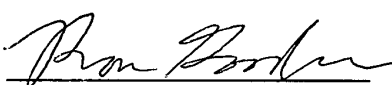

Charles E. Krueger, Reg. No. 30,077  
Paul C. Haughey, Reg. No. 31,836  
Charles J. Kulas, Reg. No. 35,809  
Daniel D. Tagliaferri, Reg. No. 43,178

Send Correspondence to: <b>Charles E. Krueger</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Charles E. Krueger Reg. No.: 30,077 Telephone: 415-576-0200
---	--

Full Name of Inventor 1:	Last Name: <b>GOODMAN</b>	First Name: <b>RON</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Santa Cruz</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>226 Jeter Street</b>	City: <b>Santa Cruz</b>	State/Country: <b>California</b>	Postal Code: <b>95060</b>

Full Name of Inventor 2:	Last Name: <b>EGAN</b>	First Name: <b>HOWARD</b>	Middle Name or Initial: <b>N.</b>	
Residence & Citizenship:	City: <b>Capitola</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>219 Elinor Street</b>	City: <b>Capitola</b>	State/Country: <b>California</b>	Postal Code: <b>95010</b>

I further 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 issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 
<b>RON GOODMAN</b>	<b>HOWARD N. EGAN</b>
Date <b>3/14/2001</b>	Date <b>3-22-2001</b>

SF 1175410 v1

**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, 8<sup>th</sup> 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.

Assignment  
Attorney Docket No.: 17002-022500US  
Page 2

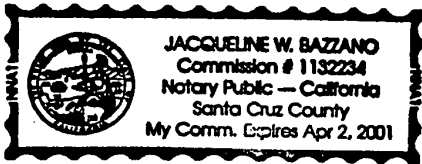
Dated: 3/14/2001

[Signature]  
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.



[Signature]  
NOTARY PUBLIC

My Commission Expires: 4/2/2001

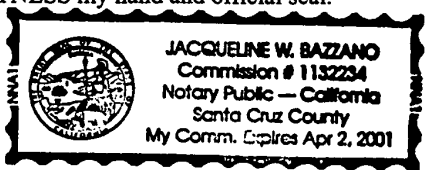
Dated: 3-22-2001

[Signature]  
HOWARD N. EGAN

STATE OF CALIFORNIA )  
                                  ) )  
                                  ) ) ss.  
COUNTY OF )

On March 27, 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.



[Signature]  
NOTARY PUBLIC

My Commission Expires: 4/2/2001

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

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Creative Technology LTD.

Application No./Patent No.: 09/755,723 Filed/Issue Date: January 5, 2001

Entitled: Automatic Hierarchical Categorization of Music by Metadata

Creative Technology LTD., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of an undivided part interest

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

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

OR

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

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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

Copies of assignments or other documents in the chain of title are attached.

**[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

April 10, 2001  
Date

  
Signature

Ng Keh Long  
Typed or printed name

Chief Financial Officer  
Title

**RECEIVED**  
**MAY 22 2001**

**Technology Center 2100**

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, Washington, DC 20231.

SF 1197824 v1



#5

**Inventor Information**

Inventor One Given Name::	RON
Family Name::	GOODMAN
Name Suffix::	
Postal Address Line One::	226 Jeter Street
City::	Santa Cruz
State or Province::	CA
Postal or Zip Code::	95060
Citizenship Country::	US
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Family Name::	EGAN
Name Suffix::	
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Citizenship Country::	US

**Correspondence Information**

Correspondence Customer Number:: 20350

**Application Information**

Title Line One::	AUTOMATIC HIERARCHICAL
Title Line Two::	CATEGORIZATION OF
Title Line Three::	MUSIC BY METADATA
Total Drawing Sheets::	6
Formal Drawings?::	Yes
Application Type::	Utility
Docket Number::	017002022500
Secrecy Order in Patent Appl.?:	No

000000000000000000

I hereby certify that this correspondence being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT # 6/A  
12-201  
M.L.  
Attorney Docket No.: 017002-022500US  
Client Reference No.: CT-1139

Assistant Commissioner for Patents  
Washington, D.C. 20231

On 4-18-01

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

OIPEL JCS3  
APR 23 2001  
PATENT & TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOODMAN et al.

Art Unit: 2185

Application No.: 09/755,723

PRELIMINARY AMENDMENT

Filed: January 5, 2001

For: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE SPECIFICATION:

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CAL 6-8-04  
AI  
CAL 6-8-04  
6-8-05

A

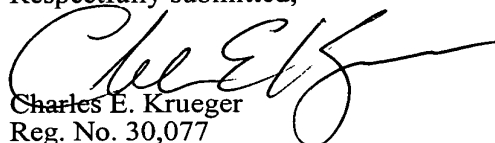


REMARKS

By this amendment information regarding related applications that was not available at the time of filing has been added. Entrance of the amendment 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 E. Krueger  
Reg. No. 30,077

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
CEK:deb  
SF 1210990 v1

09/557 0200

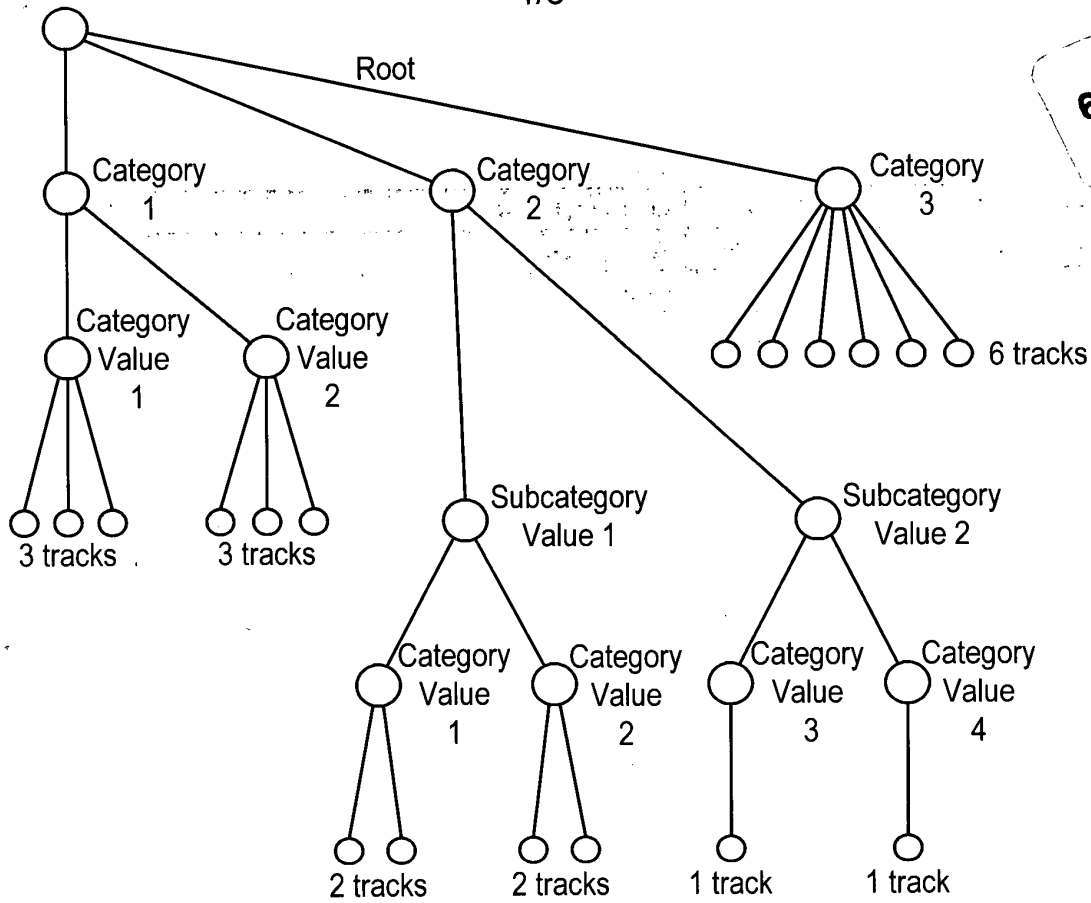
Marked Up Version of Amended Paragraph 09/755,723

5 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,” (Atty. Docket No. 17002-020800); and Application No. [ \_\_\_ / \_\_\_ , \_\_\_ ] 09/755,367, entitled “Audioplayback Device with Power Savings Storage Access Mode,” (Atty. Docket No. 17002-022400), **[all] both** filed January 5, 2001, the disclosures of which are incorporated herein by reference.

17002-020800

A

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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

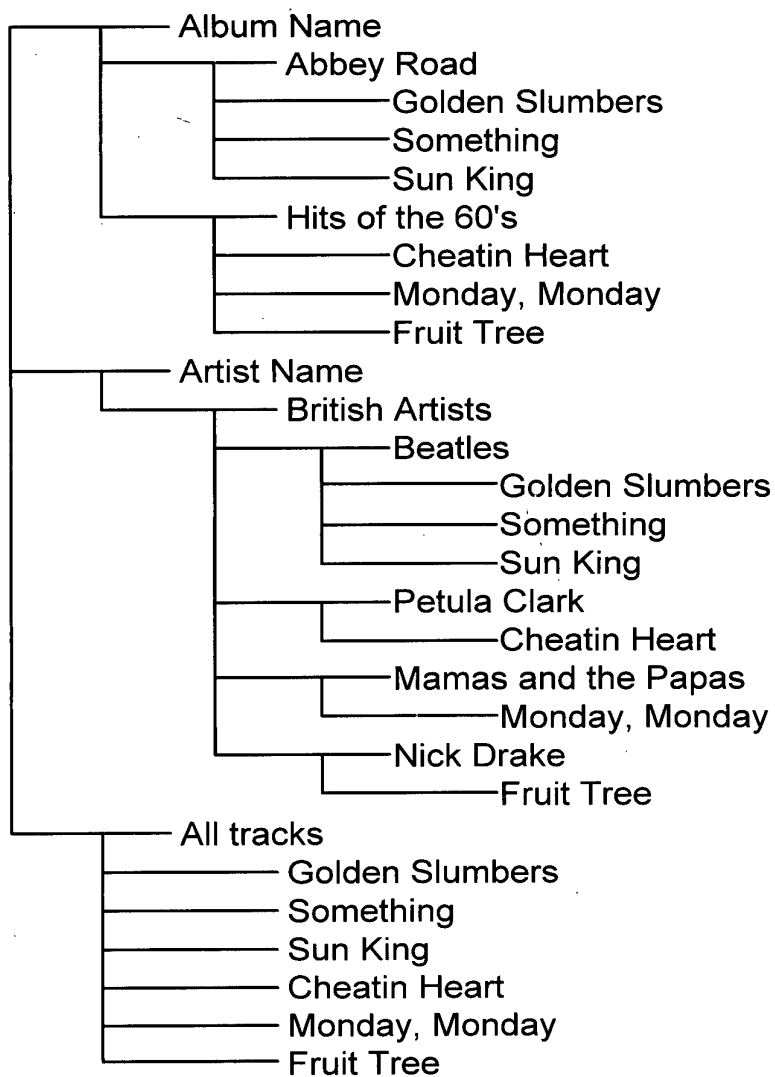
**FIG. 1.**



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

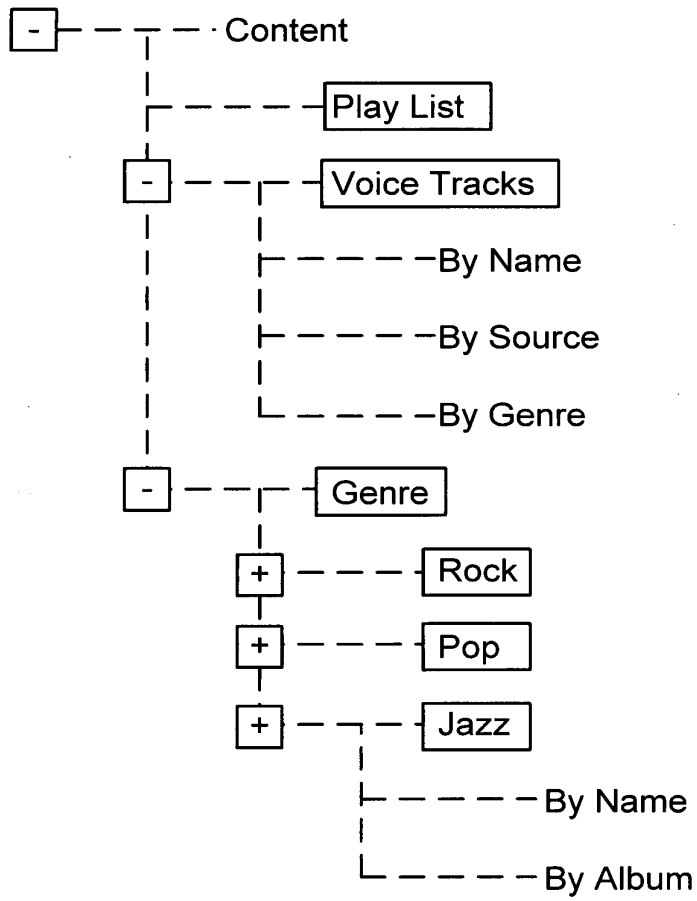
**FIG. 2.**

00000000000000000000



**FIG. 3.**





**FIG. 4.**

file data	album	name	genre	type
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**FIG. 5.**





TOP SECRET

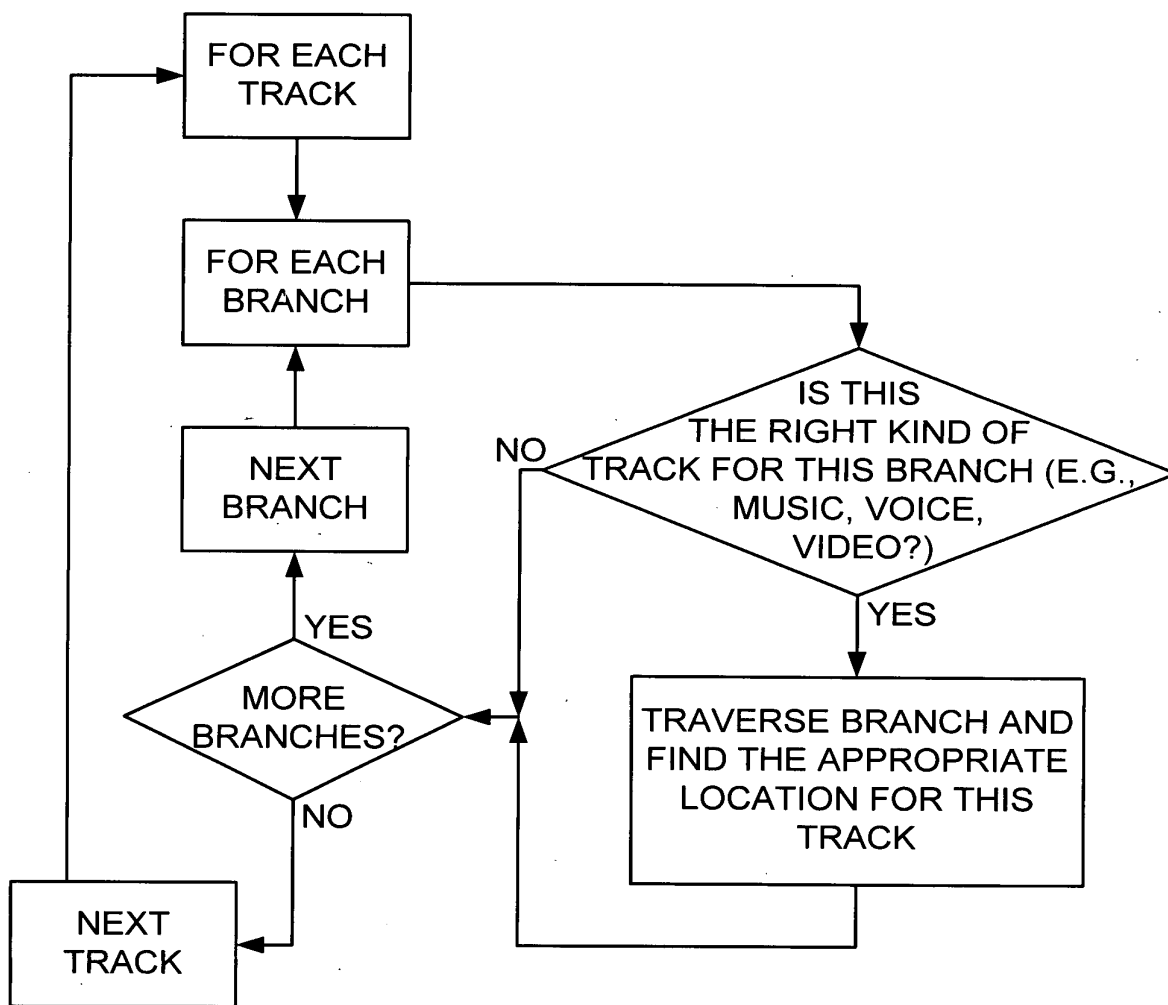


FIG. 6.





Albums	Full Moon Fever	Free Falling I Won't Back Down 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.

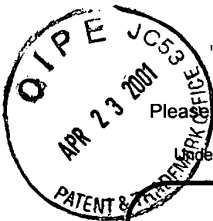
**Oasis Play - My Configuration**

Playlists

P	Track Name	Artist	Album	Tempo	Dance
+ [icon]	Meddle/Pink Floyd	Pink Floyd	Meddle	Slow	Hi
- [icon]	One of these days	Pink Floyd	Meddle	Med	Med
- [icon]	A Pillow of W...	Pink Floyd	Meddle	Slow	Lo
- [icon]	Fearless	Pink Floyd	Meddle	Fast	Hi
- [icon]	San Tropez	Pink Floyd	Meddle	Slow	Hi
- [icon]	Sea	Pink Floyd	Meddle	Slow	Hi
- [icon]	Echoes	Pink Floyd	Meddle	Slow	Lo
- [icon]	The Wall/Pink Floyd				
+ [icon]	All Playlists				
- [icon]	The Wall				
- [icon]	Meddle				
- [icon]	All Songs				

FIG. 8.





Please type a plus sign (+) inside this box →

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Approved for use through 10/31/2002. OMB 0651-0031

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

PTO/SB/21 (08-00)

# sectors \$

#3

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/755,723
	<b>Filing Date</b>	January 5, 2001
	<b>First Named Inventor</b>	GOODMAN, RON, et. al.
	<b>Group Art Unit</b>	2185
	<b>Examiner Name</b>	
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	017002022500

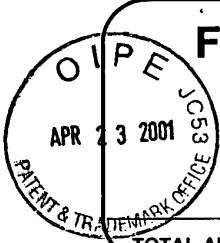
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Copy of PTO Notice, Recordation Cover Sheet, ADS</b>
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and individual name	Townsend and Townsend and Crew LLP Charles E. Krueger	Reg No. 30,077
Signature		
Date	4/17/01	

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 170		<i>Complete if Known</i>	
Application Number	09/755,723		
Filing Date	January 5, 2001		
First Named Inventor	GOODMAN, RON, et. al.		
Examiner Name			
Group Art Unit	2185		
Attorney Docket No.	017002022500		

METHOD OF PAYMENT					FEE CALCULATION (continued)																																																																																																																																																																																								
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number: <b>20-1430</b>  Deposit Account Name: <b>Townsend and Townsend and Crew LLP</b>  <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					<b>3. ADDITIONAL FEES</b>																																																																																																																																																																																								
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other					<table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td>Other fee (specify) assignment recordation fee</td><td>40</td></tr> </tbody> </table>					Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	130	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) assignment recordation fee	40
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<b>SUBMITTED BY</b>				<i>Complete (if applicable)</i>	
Name (Print/Type)	Charles E. Krueber	Registration No. (Attorney/Agent)	30,077	Telephone	415-576-0290
Signature				Date	4/17/01

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<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Application Number</b>	09/755,723
	<b>Filing Date</b>	January 5, 2001
	<b>First Named Inventor</b>	Ron Goodman
	<b>Group Art Unit</b>	2185
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	017002-022500US

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Applicant/Inventor.

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

**SIGNATURE of Applicant or Assignee of Record**

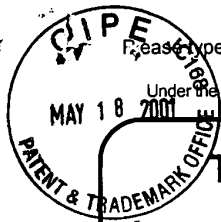
Name	Ng Keh Long
Signature	<i>Ng Keh Long</i>
Date	April 10, 2001

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

\*Total of 1 forms are submitted.

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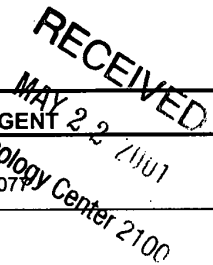
Approved for use through 10/31/2002. OMB 0651-0031

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

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/755,723	
	<b>Filing Date</b>	January 5, 2001	
	<b>First Named Inventor</b>	GOODMAN, RON, et. al.	
	<b>Group Art Unit</b>	2185	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	4	<b>Attorney Docket Number</b>	017002022500

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Rule 3.73(b) Statement, copy of assignment</b>
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP Charles E. Krueger	Reg No. 30,079
Signature		
Date	5/10/01	



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v



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

20350                      7590                      01/15/2003

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

EXAMINER

PUNIT, PRAKASH C

ART UNIT                      PAPER NUMBER

2175

DATE MAILED: 01/15/2003

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

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/755,723	GOODMAN ET AL.	
	Examiner	Art Unit	
	Prakash C Punit	2175	

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

**Period for Reply**

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

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

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 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) 1-10 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) 1-10 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  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.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

  
**DOV POPOVICI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to application dated 01/05/2001. Claims 1-10 are pending in this office action.

***Claim Objections***

2. Claims 1-4 and 9 are objected to because of the following informalities:

In claim 1, line 9: the claim recitation "base" should be --based--. Appropriate correction is required.

Q.P.  
1/13/03

Claims 2-4 are ~~objects~~<sup>objected</sup> to because claims 2-4 are dependent from objected independent claim 1.

In claim 9, line 12: the claim recitation "base" should be --based--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

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

A person shall be entitled to a patent unless –

(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 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Grewe et al. (U.S. Patent No.5,670,730.)

As to claim 1, Grewe et al. teaches a method, performed by a processor in a portable digital music player, for filing audio tracks stored on a computer readable media, with each audio track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track (see Abstract, see Fig. 3, and see column 1, lines 6-21), said method comprising the acts of:

reading a definition file that defines an ordered hierarchical tree structure (see Fig. 2, see column 1, lines 47-49), with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata (see column 1, lines 49-67);

for each track, iteratively determining, base on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track (see Abstract, see Fig. 3, also see column 3, lines 45-49.)

As to claim 2, Grewe et al. teaches a method, where said act of searching further comprises the acts of:

utilizing track type information to file only tracks of a specified type under a particular branch (see Abstract, see column 3, lines 47-53.)

As to claim 3, Grewe et al. teaches a method further comprising the acts of:



for each branch, utilizing category structure information to file tracks in a specified attribute order (see column 4, lines 19-35.)

As to claim 4, Grewe et al. teaches a method, where said portable digital music player includes a display screen and a user interface for interacting with the display (see column 1, lines 13-21), further comprising the acts of:

displaying the categories and subcategories on the display in a hierarchical order (see column 2, lines 49-51, also see column 3, lines 38-44);

displaying all names of tracks associated with a category or sub-category when a user utilizes the interface to select a category or sub-category (see column 1 line 65 through column 2, line 3, also see column 3, lines 49-53);

utilizing the pointer to access and play a track when a user selects a track name through the user interface (see column 3, lines 53-57, also see column 3, lines 17-19) and

utilizing the pointer to access and play a collection of tracks within a category or subcategory when a user selects a category or subcategory through the user interface (see column 3, lines 55-57.)

As to claim 5, Grewe et al. teaches a method, implemented by a processor in a portable digital music player, for associating metadata with audio tracks (see Abstract) comprising the acts of:

opening a formatted file for each track comprising a file data portion and a file attributes portion, with the file attributes portion including a plurality of fields corresponding to category types and file types (see column 3, lines 45-49);

storing an unmodified audio track in the file data portion of the formatted file (see column 4, lines 19-21);

and

storing category type and file type information about the unmodified track in corresponding fields (see column 2, line 37 through column 3, line 28.)

As to claim 6, Grewe et al. teaches a method, performed by a processor in a portable digital music player, for filing audio tracks, stored on a computer readable media, under categories in an in memory tree structure, with each audio track having metadata associated therewith including category name data for naming (see Abstract, see column 1, lines 46-56), said method comprising the acts of:

upon startup or when a track is added or changed, searching the metadata of each track (see column 1, lines 58-65); and

for each track, automatically filing the track by category name under each selected category to form a hierarchical track filing scheme (see column 5, lines 34-54.)

As to claim 7, Grewe et al. teaches a method further comprising the act of:

selecting the categories to be the Album including the track, the title of the track, and the name of the artist that recorded the track (see column 3, lines 45-53.)

As to claim 8, Grewe et al. teaches a method, where said portable digital music player includes a display screen and a user interface for interacting with the display (see column 2, lines 49-51), further comprising the acts of:

displaying the categories on the display in a hierarchical order see column 2, lines 49-51, also see column 3, lines 38-44);

displaying all names of tracks associated with a category when a user utilizes the interface to select a category (see column 3, lines 49-53) ;

accessing and playing a track when a user selects a track name through the user interface (see column 3, lines 53-57, also see column 3, lines 17-19); and

accessing and playing a collection of tracks within a category when a user selects a category through the user interface ((see column 1 line 65 through column 2, line 3, also see column 3, lines 49-53.)

As to claim 9, Grewe et al. teaches a computer program product comprising:

a computer readable medium having program code embodied therein for filing audio tracks stored on a computer readable media, with each audio track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track (see Abstract), said program code comprising:

program code, executed by a processor, for reading a definition file that defines an ordered hierarchical tree structure, with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of tracks are to be

sorted under the branch, and structure information defining how to file tracks based on associated metadata (see Abstract, see summary);

program code, executed by a processor, for each track, for iteratively determining, based on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track (see Fig. 3, see column 3, lines 45-49, also see column 4, lines 10-14.)

As to claim 10, Grewe et al. teaches a computer program product comprising:

a computer readable medium for having program code embodied therein for filing audio tracks, stored on a computer readable media, under categories in an in-memory tree structure,

with each audio track having metadata associated therewith including category name data for naming (see Abstract, see column 1, lines 46-56), said program code comprising:

program code, executed by a processor, upon startup or when a track is added or changed, for searching the metadata of each track (see column 1, lines 58-65); and

program code, executed by a processor, for each track, for automatically filing the track by category name under each selected category to form a hierarchical track filing scheme (see column 5, lines 34-54.)

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to method of organizing music in general:

U.S. Patent No. 5,670,730 to Grewe et al.

U.S. Patent No. 5,616,876 to Cluts.

U.S. Patent No. 5,918,303 to Yamaura et al.

U.S. Patent No. 5,969,283 to Looney et al.

U.S. Patent No. 5,062,868 to Toriumi.

U.S. Patent No. 5,248,946 to Dwek.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prakash Punit whose telephone number is (703) 305-5914. The examiner can normally be reached on Mondays – Fridays from 9:45 am to 6:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax numbers of the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Prakash Punit  
Patent Examiner  
Art Unit 2175

  
DOV POPOVICI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

January 10, 2003

<b>Notice of References Cited</b>	Application/Control No. 09/755,723	Applicant(s)/Patent Under Reexamination GOODMAN ET AL.	
	Examiner Prakash C Punit	Art Unit 2175	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-5,670,730	09-1997	Grewe et al.	84/609
B	US-5,616,876	04-1997	Cluts, Jonathan C.	84/609
C	US-5,918,303	06-1999	Yamaura et al.	84/609
D	US-5,969,283	10-1999	Looney et al.	84/609
E	US-6,062,868	05-2000	Toriumi, Hiroshi	434/307A
F	US-6,248,946	06-2001	Dwek, Norman Scott	84/609
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.



#9B  
5/27/03  
A.W.

Attorney's Docket No. 6407P212

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of:

Ron Goodman et al.

Application No.: 09/755,723

Filing Date: January 5, 2001

For: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Examiner: Punit, Prakash C.

Art Group: 2175

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on May 15, 2003  
Date of Deposit

Sarah M. Montgomery  
Name of Person Mailing Correspondence

*Sarah M. Montgomery* 5/15/03  
Signature Date

Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT AND RESPONSE TO THE OFFICE ACTION**

Sir:

In response to the Office Action of January 15, 2003 please enter the following amendments and consider the following remarks.

**AMENDMENT**

1. **IN THE CLAIMS**

Please cancel claim 5, without prejudice.

Please amend the claims as follows:

**RECEIVED**

**MAY 22 2003**

**Technology Center 2100**

Sub  
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1. (Currently Amended) A method, performed by a processor in a portable digital ~~music~~ media player, for filing ~~audio~~ media tracks stored on a computer readable media, with each ~~audio~~ media track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track, said method comprising the acts of:

reading a definition file that defines an ordered hierarchical tree structure, with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata;

for each track, ~~iteratively~~ determining, ~~base~~ based on metadata describing the track if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track.

B1

2. (Original) The method of claim 1, where said act of searching further comprises the acts of:

utilizing track type information to file only tracks of a specified type under a particular branch.

3. (Original) The method of claim 1 further comprising the acts of:

for each branch, utilizing category structure information to file tracks in a specified attribute order.

4. (Currently Amended) The method of claim 1, where said portable digital ~~music~~ media player includes a display ~~screen~~ and a user interface for interacting with the display, further comprising the acts of:

displaying the categories and subcategories on the display in a hierarchical order;



displaying all names of tracks associated with a category or sub-category when a user utilizes the interface to select a category or sub-category;

utilizing the pointer to access and play a track when a user selects a track name through the user interface; and

utilizing the pointer to access and play a collection of tracks within a category or subcategory when a user selects a category or subcategory through the user interface.

B1  
5. (Canceled)

6. (Currently Amended) A method, performed by a processor in a portable digital ~~music-media~~ player, for filing ~~audio-media~~ tracks, stored on a computer readable media, under categories in an in memory tree structure, with each ~~audio-media~~ track having metadata associated therewith including category name data for naming, said method comprising the acts of:

upon startup or when a track is added or changed, searching the metadata of each track; and

for each track, automatically filing the track by category name under each selected category to form a hierarchical track filing scheme.

B2  
7. (Original) The method of claim 6 further comprising ~~the act of~~:

selecting the categories to be the Album including the track, the title of the track, and the name of the artist that recorded the track.

8. (Currently Amended) The method of claim 6, where said portable digital ~~music-media~~ player includes a display ~~screen~~ and a user interface for interacting with the display, further comprising the acts of:

displaying the categories on the display in a hierarchical order;

displaying all names of tracks associated with a category when a user utilizes the interface to select a category ;

accessing and playing a track when a user selects a track name through the user interface; and

accessing and playing a collection of tracks within a category when a user selects a category through the user interface.

9. (Currently Amended) A computer program product comprising:

a computer readable medium having program code embodied therein for filing ~~audio-media~~ tracks stored on a computer readable media, with each ~~audio media~~ track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track, said program code comprising:

program code, executed by a processor, for reading a definition file that defines an ordered hierarchical tree structure, with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata;

program code, executed by a processor, for each track, for ~~iteratively~~ determining, ~~base~~ based on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track.

10. (Currently Amended) A computer program product comprising:

a computer readable medium ~~for~~ having program code embodied therein for filing ~~audio-media~~ tracks, stored on a computer readable media, under categories in an in-memory tree structure, with each ~~audio-media~~ track having

metadata associated therewith including category name data for naming, said program code comprising:

program code, execute executed by a processor, upon startup or when a track is added or changed, for searching the metadata of each track; and

program code, executed by a processor, for each track, for automatically filing the track by category name under each selected category to form a hierarchical track filing scheme.

---

B2

## REMARKS

Reconsideration of this application, as amended, is earnestly requested.

Claims 1, 4, 6 and 8 – 10 have been amended as shown above. Claim 5 has been cancelled without prejudice.

Claims 1-4 and 9 were objected to because of certain informalities. These informalities have been corrected as shown above, and it is submitted that the objections to these claims have been overcome.

Claims 1 - 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Grewe et al., U.S. Patent 5,670,730 (hereinafter referred to as "Grewe"). This rejection is respectfully traversed.

Grewe teaches a system in which music files are provided with individual headers 36 that include category, artist, and track address information (Fig. 3, col. 3 from ln. 45). The track address information is used to identify the start and/or end location of the file, so that the music player can locate and play the file.

A global header 22 and a table of contents 34 are maintained separate from the individual music files. The global header 22 includes general information about the selections on the chip and how they were encoded, for example the distributor of the music and the bit rate at which the tracks have been encoded. Track selections are listed as part of the table of contents by individual headers 36. (Col. 3 ln. 23, Fig. 3). That is, as can be seen from the description and in particular Figs. 3 and 4, the "table of contents" is nothing more than a sequential list of the individual headers, appended one after another to the table of contents. The table of contents does not appear to be hierarchical<sup>1</sup> at all.

---

<sup>1</sup> Based on Applicants' understanding, Grewe's use of the term "hierarchical" appears to refer only to the predefined format of the individual headers and/or the global header.

Although it is not clearly stated how this is accomplished, it is a goal of Grewe to permit selection of tracks by category or artist. From the description of Grewe's "table of contents", it appears that such selections can only be made by searching serially through the sequential list of headers in the "table of contents" to identify the individual tracks meeting the criteria. While this may be an acceptable solution for small numbers of tracks, this method is going to be cumbersome when large numbers of tracks are involved or when the database is updated frequently.

Unlike Grewe, the current invention provides a hierarchical definition file that has a tree structure, including category names that name the branch under which tracks are listed. For each track, each branch in which the track belongs is determined, and the track is filed in the appropriate location in the branch. These limitations, found in claims 1 and 10, are not taught or suggested by Grewe.

Similarly, Grewe does not teach or suggest the method of claim 4. While Grewe does mention that music can be selected using the information in the headers (col. 3 lns. 50 – 57), there is little disclosure as to how this is accomplished. Similarly, while Grewe does mention that information can be presented on a display, there is no mention of displaying categories, subcategories and tracks in an hierarchical order for selection as defined in claim 4. Grewe does not even appear to contemplate subcategories at all. In particular, Grewe does not teach or disclose any of the specific displaying or utilizing steps in claim 4.

Similarly, Grewe does not teach the limitations of claims 6 and 9. The filing system of Grewe merely appends each individual header to the last individual header in the "table of contents," which thus is merely an elementary list of track headers (See Figs. 3 and 4). Grewe does not teach automatically filing a track by category name under each selected category, to form a hierarchical track filing scheme, as claimed in claims 6 and 9.

As set forth in MPEP 2131, to anticipate a claim the reference must teach every element of the claim. Since, as discussed above, every element of independent claims 1, 6, 9 and 10 is not taught by Grewe, Applicants submit that these claims are not anticipated by Grewe and are thus allowable.

Further, it is submitted that claims 2 -4, 7 and 8 are allowable as being dependent on allowable base claims.

From at least the foregoing reasons, it is respectfully submitted that claims 1 - 4 and 6 -10 are allowable and allowance of the application is earnestly requested.

If there are any additional fees associated with this communication, please charge our Deposit Account No. 02-2666.

Respectfully submitted

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP



---

Mark R. Vatuone  
Reg. No. 53,719

Date: May 15, 2003

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 947-8200

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<b>REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	Application No.	09/755,723
	Filing Date	January 5, 2001
	First Named Inventor	Ron Goodman
	Group Art Unit	2175
	Examiner Name	Punit, Prakash C
	Attorney Docket Number	6407P212

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

A Power of Attorney or Authorization of Agent is submitted herewith.  
**AND**  
 Please change the correspondence address for the above-identified application to:

Customer Number 08791 →  \*08791\*

OR

<input type="checkbox"/> Firm or Individual Name	BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP				
Address	12400 Wilshire Boulevard, Seventh Floor				
Address					
City	Los Angeles	State	California	Zip Code	90025
Country	U.S.A.	Telephone	(408) 947-8200	Fax	(408) 947-8280

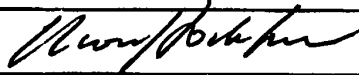
I am the:

Applicant.

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

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MAY 22 2003  
Technology Center 2100

**SIGNATURE of Applicant or Assignee of Record**

Name	C. HOCK LEON
Signature	
Date	5/13/03

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

\*Total of \_\_\_\_\_ forms are submitted.

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, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Docket No.: 6407P212

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RON GOODMAN, ET AL.

Application No.: 09/755,723

Filed: January 5, 2001

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

Art Group: 2175

Examiner: Punit, Prakash C

POWER OF ATTORNEY

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

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Technology Center 2100

Sir:

Applicant of the above-identified Application, hereby appoints the persons listed on Appendix A attached hereto (which is incorporated by reference and a part of this document), with full power of substitution and revocation, to prosecute this Application and to transact all business in the Patent and Trademark Office connected herewith.

Please direct all future communications concerning this Application to:

André L. Marais, Reg. No. 48,095  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, CA 90025  
(714) 557-3800

Creative Technology Ltd.

Date: 5/8/03



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: Ramin Aghevi, Reg. No. 43,462; William E. Alford, Reg. No. 37,764; Farzad E. Amiri, Reg. No. 42,261; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Michael A. Bernadieu, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 48,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Sanjeet Dutta, Reg. No. 46,145; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Fertil, Reg. No. 42,532; George L. Fountain, Reg. No. 36,374; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jeffery S. Helleson, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; William E. Hickman, Reg. No. 46,771; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Asiam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan C. Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Lawrence E. Lycke, Reg. No. 38,540; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Raul D. Martinez, Reg. No. 46,904; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Moileur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanazian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Joseph A. Pugh, Reg. No. 52,137; James H. Salter, Reg. No. 35,868; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,185; Salna S. Shamlov, Reg. No. 48,268; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; John F. Travis, Reg. No. 43,203; Kerry D. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney also appoint P. Francois de Villiers, Reg. No. 48,200 of Creative Labs Inc., a corporation having principal offices at 1901 McCarthy Boulevard, Milpitas, California 95035; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



Docket No. 6407P212

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Creative Technology Ltd

Application No./Patent No.: 09/755,723 Filing/Issue Date: 1/5/2001

Entitled: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

Creative Technology Ltd, a Limited Liability Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

of Singapore,

states that it is:

- 1.  the assignee of the entire right, title and interest; or
- 2.  an assignee of an undivided part interest

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

- A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011788, Frame 0174, or for which a copy thereof is attached.

OR

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

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel 011788, Frame 0174, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

4. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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

Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of assignee.

05/09/03  
Date

[Signature]  
Signature

André L. Marais, Reg. No. 48,095

Typed or printed name

Title

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, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



#8  
5/27/03  
AW

Docket No.: 6407P212

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RON GOODMAN, ET AL.

Application No.: 09/755,723

Filed: January 5, 2001

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

Art Group: 2175

Examiner: Punit, Prakash C

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**MAY 22 2003**

**Technology Center 2100**

**PETITION FOR EXTENSION OF TIME PURSUANT TO 37 C.F.R. § 1.136(a)**

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

Sir:

In accordance with 37 C.F. R. § 1.136(a), Applicants for the above-identified application respectfully Petition the Commissioner for a one (1) month extension of time, extending the period for response to May 15, 2003, from the Office Action dated January 15, 2003. The petition filing fee of \$110.00 and a Response to Office Action are attached.

If it should be determined that a longer extension of time is required to prevent this application from being abandoned, please charge any additional fees to Deposit Account No. 02-2666. A copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Mark R. Vatuone, Reg. No. 53,719

Date: 5/15/03

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Not-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah M. Montgomery

5/15/03  
Date

12400 Wilshire Blvd., 7th Floor  
Los Angeles, California 90025  
Telephone: (408) 947-8200

05/21/2003 NNDMANN1 00000022 09755723

01 FC:1251

110.00 GP



<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	09/755,723
		Filing Date	January 5, 2001
		First Named Inventor	Ron Goodman
		Group Art Unit	2175
		Examiner Name	Punit, Prakash C
Total Number of Pages in This Submission	11	Attorney Docket Number	6407P212

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="border: 1px solid black; padding: 5px; min-height: 50px;">           Postcard.         </div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark R. Vatuone, Reg. No. 53,719 <b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b>
Signature	<i>Mark R. Vatuone</i>
Date	5/15/2003

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Sakah M. Montgomery		
Signature	<i>Sakah M. Montgomery</i>	Date	5/15/03

Based on PTO/SB/21 (05-03) as modified by Blakely, Solokoff, Taylor & Zafman (w/r) 05/02/2003.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



<b>FEE TRANSMITTAL for FY 2003</b> <small>Effective 01/01/2003. Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	09/755,723
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	January 5, 2001
		First Named Inventor	Ron Goodman
<b>TOTAL AMOUNT OF PAYMENT</b> (\$ ) 110.00		Examiner Name	Punit, Prakash C <b>RECEIVED</b>
		Group/Art Unit	2175
		Attorney Docket No.	6407P212 <b>MAY 22 2003</b>

**METHOD OF PAYMENT (check one)**

Check   
  Credit card   
  Money Order   
  Other   
  None  
 Deposit Account

Deposit Account Number: 02-2666  
 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: ( check all that apply )

Charge fee(s) indicated below   
  Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					(\$ )

**2. EXTRA CLAIM FEES**

Total Claims: 20 = 20 X      =       
 Independent Claims: 3 = 3 X      =       
 Multiple Dependent:      =      X      =     

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple Dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					(\$ )

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

**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	* Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1404	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1480	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	1809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
<b>SUBTOTAL (3)</b>					(\$ ) 110.00

\*Reduced by Basic Filing Fee Paid

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Name (Print/Type)	Mark R. Vatuone	Registration No. (Attorney/Agent)	53,719
Signature	<i>Mark R. Vatuone</i>	Telephone	(408) 947-8200
		Date	5/15/03

Based on PTO/SB/17 (01-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wr) 05/02/2003.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



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.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

20350      7590      07/29/2003

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

EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
2175	10

DATE MAILED: 07/29/2003

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

PRG

Office Action Summary

Table with fields: Application No. (09/755,723), Applicant(s) (GOODMAN ET AL.), Examiner (Charles L. Roness), Art Unit (2175).

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

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

- Extensions of time may be available under the provisions of 37 CFR 1.136(a).
- If the period for reply specified above is less than thirty (30) days...
- If NO period for reply is specified above...
- Failure to reply within the set or extended period...
- Any reply received by the Office later than three months...

Status

- 1) [x] Responsive to communication(s) filed on 20 May 2003.
2a) [x] This action is FINAL. 2b) [ ] This action is non-final.
3) [ ] Since this application is in condition for allowance except for formal matters...

Disposition of Claims

- 4) [x] Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) \_\_\_ is/are withdrawn from consideration.
5) [ ] Claim(s) \_\_\_ is/are allowed.
6) [x] Claim(s) 1-10 is/are rejected.
7) [ ] Claim(s) \_\_\_ is/are objected to.
8) [ ] Claim(s) \_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) [ ] The specification is objected to by the Examiner.
10) [ ] The drawing(s) filed on \_\_\_ is/are: a) [ ] accepted or b) [ ] objected to by the Examiner.
11) [ ] The proposed drawing correction filed on \_\_\_ is: a) [ ] approved b) [ ] disapproved by the Examiner.
12) [ ] The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) [ ] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
14) [ ] Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
15) [ ] Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) [x] Notice of References Cited (PTO-892)
2) [ ] Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) [ ] Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
4) [ ] Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
5) [ ] Notice of Informal Patent Application (PTO-152)
6) [ ] Other:

### DETAILED ACTION

The amendment timely filed May 20, 2003. Claims 1-10 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 –

(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.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Grewe et al. (U. S. Patent No. 5,670,730.)

As to claim 1, Grewe et al. teaches a method, performed by a processor in a portable digital music player, for filing audio tracks stored on a computer readable media, with each audio track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track (see Abstract, see Fig. 3, and see column 1, lines 6-21), said method comprising the acts of:

reading a definition file that defines an ordered hierarchical tree structure (see Fig. 2, see column 1, lines 47-49), with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of



tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata (see column 1, lines 49-67);

for each track, iteratively determining, base on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track (see Abstract, see Fig. 3, also see column 3, lines 45-49.)

As to claim 2, Grewe et al. teaches a method, where said act of searching further comprises the acts of:

utilizing track type information to file only tracks of a specified type under a particular branch (see Abstract, see column 3, lines 47-53.)

As to claim 3, Grewe et al. teaches a method further comprising the acts of:

for each branch, utilizing category structure information to file tracks in a specified attribute order (see column 4, lines 19-35.)

As to claim 4, Grewe et al. teaches a method, where said portable digital music player includes a display screen and a user interface for interacting with the display (see column 1, lines 13-21), further comprising the acts of:

displaying the categories and subcategories on the display in a hierarchical order (see column 2, lines 49-51, also see column 3, lines 38-44);

displaying all names of tracks associated with a category or sub-category when a user utilizes the interface to select a category or sub-category (see column 1 line 65 through column 2, line 3, also see column 3, lines 49-53);

utilizing the pointer to access and play a track when a user selects a track name through the user interface (see column 3, lines 53-57, also see column 3, lines 17-19) and

utilizing the pointer to access and play a collection of tracks within a category or subcategory when a user selects a category or subcategory through the user interface (see column 3, lines 55-57.)

As to claim 5, Grewe et al. teaches a method, implemented by a processor in a portable digital music player, for associating metadata with audio tracks (see Abstract) comprising the acts of:

opening a formatted file for each track comprising a file data portion and a file attributes portion, with the file attributes portion including a plurality of fields corresponding to category types and file types (see column 3, lines 45-49);

storing an unmodified audio track in the file data portion of the formatted file (see column 4, lines 19-21);

and

storing category type and file type information about the unmodified track in corresponding fields (see column 2, line 37 through column 3, line 28.)

As to claim 6, Grewe et al. teaches a method, performed by a processor in a portable digital music player, for filing audio tracks, stored on a computer readable media, under categories in an in memory tree structure, with each audio track having metadata associated therewith including category name data for naming (see Abstract, see column 1, lines 46-56), said method comprising the acts of:

upon startup or when a track is added or changed, searching the metadata of each track (see column 1, lines 58-65); and

for each track, automatically filing the track by category name under each selected category to form a hierarchical track filing scheme (see column 5, lines 34-54.)

As to claim 7, Grewe et al. teaches a method further comprising the act of:

selecting the categories to be the Album including the track, the title of the track, and the name of the artist that recorded the track (see column 3, lines 45-53.)

As to claim 8, Grewe et al. teaches a method, where said portable digital music player includes a display screen and a user interface for interacting with the display (see column 2, lines 49-51), further comprising the acts of:

displaying the categories on the display in a hierarchical order see column 2, lines 49-51, also see column 3, lines 38-44);

displaying all names of tracks associated with a category when a user utilizes the interface to select a category (see column 3, lines 49-53) ;

accessing and playing a track when a user selects a track name through the user interface (see column 3, lines 53-57, also see column 3, lines 17-19); and

accessing and playing a collection of tracks within a category when a user selects a category through the user interface ((see column 1 line 65 through column 2, line 3, also see column 3, lines 49-53.)

As to claim 9, Grewe et al. teaches a computer program product comprising:

a computer readable medium having program code embodied therein for filing audio tracks stored on a computer readable media, with each audio track having metadata associated therewith including category value data for naming attributes of the track and type data indicating the type of track (see Abstract), said program code comprising:

program code, executed by a processor, for reading a definition file that defines an ordered hierarchical tree structure, with the file including category names for naming the branch under which tracks are sorted, track type information specifying which type of tracks are to be sorted under the branch, and structure information defining how to file tracks based on associated metadata (see Abstract, see summary);

program code, executed by a processor, for each track, for iteratively determining, base on metadata describing the track, if the track belongs in the branch, and, for each branch in which the track belongs, traversing the branch to determine the appropriate location to file the track (see Fig. 3, see column 3, lines 45-49, also see column 4, lines 10-14.)

As to claim 10, Grewe et al. teaches a computer program product comprising:

a computer readable medium for having program code embodied therein for filing audio tracks, stored on a computer readable media, under categories in an in-memory tree structure,

with each audio track having metadata associated therewith including category name data for naming (see Abstract, see column 1, lines 46-56), said program code comprising:

program code, executed by a processor, upon startup or when a track is added or changed, for searching the metadata of each track (see column 1, lines 58-65); and

program code, executed by a processor, for each track, for automatically filing the track by category name under each selected category to form a hierarchical track filing scheme (see column 5, lines 34-54.)

### ***Response to Arguments***

Applicant's arguments filed May 20, 2003 have been fully considered but they are not persuasive.

Firstly, Applicant argues that Grewe does not disclose using a hierarchical definition file as stated in the claim.

In response, Examiner maintains that Grewe discloses such as stated above in the rejection of the claim wherein the hierarchical arrangement of headers and the table of contents are deemed to be hierarchical.

Secondly, Applicant argues that Grewe does not disclose display categories or subcategories and tracks in an hierarchical order for selection.

In response, Examiner maintains that Grewe discloses such wherein Grewe discloses that the information is displayable. See 2:36-54.

Lastly, Applicant argues that Grewe does not disclose automatically filing a track by category name under a selected category to form a hierarchical track filing scheme.

In response, Examiner maintains that Grewe discloses such wherein Grewe discloses that the headers are arranged hierarchically and that the headers contains a music filed to which the track of music belongs, such as jazz, classical, country, etc. which are deemed to be categories of music arranged hierarchically.

### ***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.

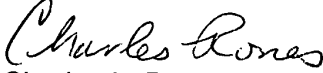
Application/Control Number: 09/755,723  
Art Unit: 2175

Page 9

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is (703-306-3030. The examiner can normally be reached on Mondays – Fridays from Monday-Thursday 8am-4pm pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703-305-3830. The fax numbers of the group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
Charles L. Rones  
Primary Examiner  
Art Unit 2175

**Notice of References Cited**

Application/Control No.  
09/755,723

Applicant(s)/Patent Under  
Reexamination  
GOODMAN ET AL.

Examiner  
Charles L. Rones

Art Unit  
2175

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2003/0016940 A1	01-2003	Robbins, Gerald V.	386/46
	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.



12/2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/755,723	01/05/2001	Ron Goodman	017002022500

CONFIRMATION NO. 3728



\*OC000000010623703\*

08791  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

Date Mailed: 08/01/2003

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/20/2003.

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

ANGELA S WHITE  
2100 (703) 308-8264

OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/755,723	01/05/2001	Ron Goodman	.017002022500

CONFIRMATION NO. 3728

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834



Date Mailed: 08/01/2003

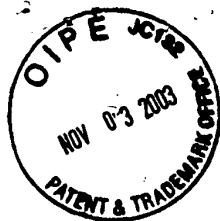
NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/20/2003.

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

ANGELA S WHITE  
2100 (703) 308-8264

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#12  
11/13/03  
AW

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>	Docket Number (Optional)
	6407P212

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <u>10/29/03</u>	In re Application of <b>Ron Goodman, et al.</b>	
	Application Number <b>09/755,723</b>	Filed <b>01/05/2001</b>
Signature <u>Dawn Shaw</u>	For <b>AUTOMATIC HIERARCHICAL CATEGORIZATION</b>	
Typed or printed name <b>Dawn Shaw</b>	Art Unit <b>2175</b>	Examiner <b>Charles Rones</b>

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$330.00

Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \_\_\_\_\_

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of the fee transmittal.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666. I have enclosed a duplicate copy of the fee transmittal.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**RECEIVED**  
NOV 06 2003  
Technology Center 2100

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.**

I am the

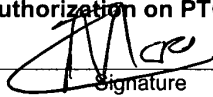
applicant/inventor.

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

attorney or agent of record.

attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

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

  
 Signature  
André L. Marais, Reg. No. 48,095  
 Typed or printed name  
10/29/03  
 Date

\*Total of \_\_\_\_\_ forms are submitted.

Based on PTO/SB/31 (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (wir) 09/11/2003. **11/05/2003 BABRAHA1 00000124 09755723**  
 SEND TO: Mail Stop Appeal, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

01 FC:1401

330.00 0P



AF 1/27/03  
2715  
2700

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application No.	09/755,723	
	Filing Date	January 5, 2001	
	First Named Inventor	Ron Goodman	
	Art Unit	2175	
	Examiner Name	Charles Rones	
Total Number of Pages in This Submission	4	Attorney Docket Number	6407P212

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">         Return Postcard   <div style="text-align: center; border: 1px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;">RECEIVED</div> </div>
Remarks		NOV 06 2003 Technology Center 2100

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	André L. Marais, Reg. No. 48,095 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	10/29/03

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name		Dawn Shaw	
Signature		Date	10/29/03

Based on PTO/SB/21 (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 09/11/2003.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



# FEE TRANSMITTAL for FY 2003

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

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 330.00

Complete if Known

Application Number	09/755,723
Filing Date	January 5, 2001
First Named Inventor	Ron Goodman
Examiner Name	Charles Rones
Group/Art Unit	2175
Attorney Docket No.	6407P212

**RECEIVED**

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20*	0	18.00	\$0.00
3*	0	86.00	\$0.00

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					0.00

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

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	330.00
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (3)					330.00

Technology Center 2100

## SUBMITTED BY

Name (Print/Type) André L. Marais

Signature

Registration No. (Attorney/Agent)

48,095

Complete (if applicable)

Telephone

(408) 947-8200

Date

10/27/02

Based on PTO/SB/17 (08-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wr) 08/11/2003.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728
8791	7590	11/17/2003	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			RONES, CHARLES	
			ART UNIT	PAPER NUMBER
			2175	

DATE MAILED: 11/17/2003

13

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

4

**Advisory Action**

Application No.

09/755,723

Applicant(s)

GOODMAN ET AL.

Examiner

Charles L. Rones

Art Unit

2175

3

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

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1.  A Notice of Appeal was filed on 03 November 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

- 3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
- 4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5.  The a)  affidavit, b)  exhibit, or c)  request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
- 6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7.  For purposes of Appeal, the proposed amendment(s) a)  will not be entered or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

- 8.  The drawing correction filed on \_\_\_\_\_ is a)  approved or b)  disapproved by the Examiner.
- 9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
- 10.  Other: \_\_\_\_\_

  
Charles L. Rones  
Primary Examiner  
Art Unit: 2175



2700  
RCE #15  
2/1/04

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. 1450  
Alexandria, VA 22313-1450

Application No.	09/755,723
Filing Date	January 5, 2001
First Named Inventor	Ron Goodman
Art Unit	2175
Examiner Name	Rones, Charles
Attorney Docket Number	6407P212

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 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. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

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FEB 05 2004  
Technology Center 2100

2. **Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666.
  - i.  RCE fee required under 37 C.F.R. § 1.17(e) and any additional claims fee(s)
  - ii.  Extension of time fee (37 C.F.R. § 1.136 and 1.17)
  - iii.  Other: (\$00)
- b.  Check in the amount of \$880.00 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Mark R. Vatuone	Registration No. (Attorney/Agent)	53,719
Signature	<i>Mark Vatuone</i>	Date	1/29/04

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Dawn Shaw	Date	1/29/04
Signature	<i>Dawn Shaw</i>		

Based on PTO/SB/30 (08-03) as modified by Blakely, Solokoff, Taylor & Zafman (w/r) 09/11/2003.  
SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

02/04/2004 EFLORES 00000157 09755723

01 FC:1801

770.00 OP





# FEE TRANSMITTAL for FY 2003

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

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 880.00

Complete if Known

Application Number	09/755,723
Filing Date	January 5, 2001
First Named Inventor	Ron Goodman
Examiner Name	Rones, Charles
Group/Art Unit	2175
Attorney Docket No.	6407P212

RECEIVED

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
9	20*	18.00	\$0.00
4	5**	86.00	\$0.00

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					0.00

\*\*or number previously paid, if greater. For Reissues, see below

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					880.00

FEB 05 2004

Technology Center 2100

## SUBMITTED BY

Name (Print/Type)	Mark R. Vatuone	Registration No. (Attorney/Agent)	53,719	Telephone	(408) 947-8200
Signature	<i>Mark R. Vatuone</i>	Date	1/29/04		

Based on PTO/SB/17 (08-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 08/11/2003.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



SC  
#16C  
2/10/04

Attorney's Docket No. 6407P212

Patent

**Response Under 37 CFR 1.116 — Expedited Procedure**  
**Examining Group 2175**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ron Goodman et al.

Application No.: 09/755,723

Filed: January 5, 2001

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

Examiner: Rones, Charles

Art Group: 2175

**RECEIVED**

FEB 05 2004

Technology Center 2100

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on 1/29/04  
Date of Deposit

Dawn R. Shaw  
Name of Person Mailing Correspondence

Dawn R. Shaw 1/29/04  
Signature Date

Mail Stop RCE  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT ACCOMPANYING REQUEST FOR CONTINUING EXAMINATION**

Sir:

Further to the Notice of Appeal of November 3, 2003 and to the Final Office Action mailed July 29, 2003, Applicants respectfully request the Examiner to enter the following amendment and reconsider the present application in view of the submission below.

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

**Remarks/Arguments** begin on page 8 of this paper.

**Amendments to the Claims:**

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

**Listing of Claims:**

1. (Currently Amended) A method, performed by a processor in a digital media player, for filing media tracks stored on a computer-readable ~~media~~medium, with each media track having ~~metadata associated therewith including category value~~attribute data for ~~naming~~identifying attributes of the track and ~~type data indicating the type of track~~, said method comprising ~~the acts of~~:

*C1*  
reading a definition file that defines an ordered hierarchical tree structure having a plurality of branches, with the hierarchical tree structure file including category names for naming ~~the branch~~branches under which tracks are sorted, subcategory names for defining subcategories within the branches, ~~track type information specifying which type of tracks are to be sorted under the branch~~, and structure information defining how to ~~file tracks based on associated metadata~~ the hierarchy of branch names and subcategory names; and

for each track, determining, based on ~~metadata describing the attribute data associated with~~ the track if the track belongs in ~~the branch~~one or more of the branches, and, for each branch in which the track belongs, filing the track under one or more subcategories ~~traversing the branch to determine the appropriate location to file the track~~.

2. (Currently Amended) The method of claim 1, ~~where said act of searching further comprises the acts of~~comprising:

utilizing track type information to file only tracks of a specified type under a particular branch.

3. (Currently Amended) The method of claim 1, ~~further comprising the acts of~~:

for each branch, utilizing category structure information to file tracks in a specified attribute order.

4. (Currently Amended) The method of claim 1, where said digital media player includes a display screen and a user interface for interacting with the display screen, ~~further the method comprising the acts of:~~

displaying the categories and subcategories on the display screen in a hierarchical order;  
displaying ~~all~~ names of at least some tracks associated with a category or sub-category when a user utilizes the interface to select a category or sub-category;

monitoring selection of a track name by the user and, in response to the selection, playing the track utilizing the pointer to access and play a track when a user selects a track name through the user interface; and

monitoring selection of a category or subcategory by the user and, in response to the selection, playing utilizing the pointer to access and play a collection of tracks within a the selected category or subcategory when a user selects a category or subcategory through the user interface.

5. (Canceled)

6. (Currently Amended) A method, performed by a processor in a digital media player, for filing media tracks, stored on a computer-readable mediamedium, under categories in ~~an in memory~~ a tree structure, with each media track having metadata attribute data identifying attributes of the track associated therewith, the attribute data including category name data ~~for naming~~, said method comprising ~~the acts of:~~

upon startup or when a track is added or changed, searching the metadata attributes of each track; and

for each track, automatically filing the track by category name under each selected category associated with the attributes to form ~~a an~~ hierarchical track filing scheme.

7. (Currently Amended) The method of claim 6, ~~further comprising the act of:~~

selecting the categories to be the album Album including the track, the title of the track, and the name of the artist that recorded the track.

8. (Currently Amended) The method of claim 6, where said digital media player includes a display screen and a user interface for interacting with the display screen, ~~further the method comprising the acts of:~~

- ~~displaying the categories on the display screen in a hierarchical order;~~
- ~~displaying all names of tracks associated with a category when a user utilizes the user interface to select a category ;~~
- ~~accessing and playing a track when a user selects a track name through the user interface;~~
- and
- ~~accessing and playing a collection of tracks within a category when a user selects a category through the user interface.~~

9. (Currently Amended) A computer program product comprising:

a computer readable medium having program code embodied therein for filing media tracks stored on a computer readable ~~mediamedium~~, with each media track having metadata associated therewith including ~~category value attribute~~ data for ~~naming-identifying~~ attributes of the track and ~~type data indicating the type of track~~, said program code comprising:

program code, executed by a processor, for reading a definition file that defines an ordered hierarchical tree structure having a plurality of branches, with the hierarchical tree structure file including category names for naming the branch-branches under which tracks are sorted, subcategory names for defining subcategories within the branches ~~track type information~~ specifying which type of tracks are to be sorted under the branch, and structure information ~~defining how to file tracks based on associated metadata~~ the hierarchy of branch names and subcategory names within the branches;

program code, executed by a processor, for each track, for determining, based on ~~metadata describing the attribute data associated with~~ the track, if the track belongs in one or more of the branch-branches, and, for each branch in which the track belongs, filing the track under one or more subcategories ~~traversing the branch to determine the appropriate location to file the track~~.

10. (Currently Amended) A computer program product comprising:

a computer readable medium for having program code embodied therein for filing media tracks, stored on a computer-readable ~~media medium~~, under categories in an ~~in-memory~~ tree structure, with each media track having ~~metadata-attribute data identifying attributes of the track~~ associated therewith, ~~the attribute data~~ including category name data ~~for naming~~, said program code comprising:

program code, execute by a processor, upon startup or when a track is added or changed, for searching the ~~metadata-attributes~~ of each track; and

program code, executed by a processor, for each track, for automatically filing the track by category name under each selected category to form a ~~an~~ hierarchical track filing scheme.

11. (New) A method of arranging media information relating to media tracks stored on a computer-readable medium, the method comprising:

reading a media definition file that includes a plurality of categories, wherein each category groups tracks having corresponding attributes associated with the media tracks; and

for each track,

identifying a plurality of attributes associated with the track;

identifying a category associated with each attribute; and

grouping the track within each category that has been identified.

12. (New) The method of claim 11, wherein each track is grouped within at least two categories of the media definition file and each category includes a list of tracks having corresponding attributes.

13. (New) The method of claim 11, wherein a plurality of track identifiers are provided in each category, each track identifier being to identify a track associated with the category.

14. (New) The method of claim 11, wherein the plurality of categories relates to music and the categories comprise one of an album name category, an artist name category, and a genre category.

15. (New) The method of claim 11, wherein the at least one category comprises a plurality of subcategories associated with further attributes of the media tracks, the categories and the subcategories being arranged in a hierarchical tree structure.
16. (New) The method of claim 15, wherein the category comprises an artist name category that includes at least one subcategory identifying a group with which the artist is associated.
17. (New) The method of claim 15, wherein the category comprises a genre category that includes at least one subcategory identifying a group or artist associated with the genre category.
18. (New) The method of claim 11, wherein at least one category of the plurality of categories comprises a list of all tracks associated with the media definition file irrespective of their associated attributes
19. (New) The method of claim 1, wherein a link to the same media track is provided in more than one category.
20. (New) The method of claim 1, wherein said grouping the track within each category comprises providing an identifier within each category that has been identified, the identifier identifying the track associated with the category.
21. (New) A method of displaying media information on a display screen, the media information relating to media tracks stored on a computer-readable medium, the method comprising:
- retrieving display data for display on the display screen from a media definition file that includes a plurality of categories, each category corresponding to an attribute associated with the media tracks, the display screen layout being based on the plurality of categories; and
  - for each track, displaying the track under each category with which it is associated.

22. (New) The method of claim 21, wherein the categories comprise at least one of an artist name category, an album name category and a genre category, the display screen layout identifying the at least one category.

23. (New) A method of arranging media information relating to media tracks stored on a computer-readable medium, the method comprising:

identifying a plurality of attributes associated with a media track;

identifying at least two categories, each identified category corresponding to an attribute;

and

providing a link to the track in each of the categories identified to provide a plurality of links in each category that identify a plurality of tracks associated with the category.



## REMARKS

### 1. Summary of the Office Action

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent no. 5,670,730 (hereinafter "Grewe et al.").

### 2. Response to § 102 Rejections

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Grewe teaches a system in which music files are arranged track-by-track. Each file is provided with individual headers 36 that include category, artist, and track address information (Figures 2-4 and col. 3 from ln. 29 onwards) associated with the particular track. The track address information is used to identify the start and/or end location of the file, so that the music player can locate and play the file. Clearly, the tracks are **arranged in a track-by-track fashion** and not based on the individual header 36. As can be seen from the description and in particular Figs. 3 and 4, the table of contents 34 is nothing more than a sequential list of the individual headers, ordered track-by-track, one after the other. The category information (see category field 40) and the artist information (see artist field 42) are thus **dispersed**. Thus, it is not readily apparent which set of tracks is in which genre or which set of tracks is performed by one particular artist.

Claim 1, as amended, reads as follows:

“1. A method, performed by a processor in a digital media player, for filing media tracks stored on a computer-readable medium, with each media track having attribute data for identifying attributes of the track, said method comprising:

**reading a definition file** that defines an ordered hierarchical tree structure having a plurality of branches, with **the hierarchical tree structure including category names for naming branches under which tracks are sorted**, subcategory names for defining subcategories within the branches, and structure information defining the hierarchy of branch names and subcategory names; and

for each track, **determining**, based on the attribute data associated with the track **if the track belongs in one or more of the branches**, and, for each branch in which the track belongs, **filing the track under one or more subcategories**”

Claim 1 includes the limitation of a “**hierarchical tree structure including category names for naming branches under which tracks are sorted**”

Firstly, Grewe does not teach or suggest “**reading a definition file** that defines an ordered hierarchical tree structure having a plurality of branches, with **the hierarchical tree structure including category names for naming branches under which tracks are sorted**, subcategory names for defining **subcategories** within the branches, and structure information defining the hierarchy of branch names and subcategory names.” In Grewe, the tracks are not sorted according to category names that are provided in a branch but rather in sequential blocks of memory locations. There is no hierarchical relationship between the category field 40 or the artist field 42 with a particular track and any hierarchy in Grewe.

Secondly, as the tracks in Grewe are filed sequentially in memory according to track number, the limitation of claim 1 of “for each track, **determining**, based on the attribute data associated with the track **if the track belongs in one or more of the branches**, and, for each branch in which the track belongs, **filing the track under one or more subcategories**” is also not described or even suggested in Grewe.

In view of the above, it is submitted that Grewe does not describe or even suggest all the limitations of claim 1. Accordingly, claim 1 is allowable and, as claims 1-4 are dependent upon claim 1, they are also allowable.

Claim 9, as amended, also includes the limitation of “reading a definition file that defines an ordered hierarchical tree structure having a plurality of branches, with **the hierarchical tree structure including category names for naming branches under which tracks are sorted.**” Claim 9 also includes the limitation wherein, for each track, “**determining**, based on the attribute data associated with the track, **if the track belongs in one or more of the branches**, and, for each branch in which the track belongs, **filing the track under one or more subcategories.**”

Accordingly, in view of the remarks above, it is submitted that claim 9 is also allowable.

Claim 6, as amended, reads as follows:

“6. A method, performed by a processor in a digital media player, for filing media tracks, stored on a computer-readable medium, under categories in a tree structure, with each media track having attribute data identifying attributes of the track associated therewith, the attribute data including category name data, said method comprising:

upon startup or when a track is added or changed, searching the attributes of each track;  
and

for each track, automatically **filing the track by category name** under each selected category associated with the attributes to form an hierarchical track filing scheme.”

Claim 6 includes the limitation of “for each track, automatically **filing the track by category name** under each selected category associated with the attributes to form an hierarchical track filing scheme.” This limitation is also not described or even suggested in Grewe that files tracks sequentially track-by-track. The filing system of Grewe merely appends each individual header 36 to the last individual header 36 in the table of contents 34 so that tracks having a common category field 40 or a common artist field 42 are **dispersed** (see

Figures 3 and 4). Grewe does not describe, or even suggest, “for each track, **filing the track by category name under each selected category**” as claimed in claim 6.

In view of the above it is submitted that claim 6 is allowable and, as claims 7 and 8 are dependent upon claim 6, they are also allowable.

Claim 10, as amended, also includes the limitation of, for each track, “**automatically filing the track by category name under each selected category to form an hierarchical track filing scheme.**” Accordingly, in view of the remarks above, it is submitted that claim 10 is also allowable.

Claim 11 reads as follows:

“11. A method of arranging media information relating to media tracks stored on a computer-readable medium, the method comprising:

reading a media definition file that includes a plurality of categories, wherein **each category groups tracks having corresponding attributes** associated with the media tracks; and  
for each track,

identifying a plurality of attributes associated with the track;

identifying a category associated with each attribute; and

**grouping the track within each category that has been identified.”**

Claim 11 includes the limitation of “reading a media definition file that includes a plurality of categories, wherein **each category groups tracks having corresponding attributes** associated with the media tracks.” This limitation is also not disclosed in Grewe that merely arranges tracks in a sequential order resulting category fields 40 and artist fields 42 that are **dispersed** and not grouped as claimed in claim 11.

The above limitation in claim 11 must also be read in conjunction with the grouping operation performed for each track. In particular, claim 11 includes the limitation of, for each track, “**grouping the track within each category that has been identified.**” Grewe does not

group tracks within a category but merely identifies a category associated with the track. Further, the category field 40 and artist field 42 are dispersed in Grewe.

In view of the above it is submitted that claim 11 is allowable. As claims 12-20 are dependent upon claim 11, they are also allowable.

Claim 21 reads as follows:

“21. A method of displaying media information on a display screen, the media information relating to media tracks stored on a computer-readable medium, the method comprising:

retrieving display data for display on the display screen from a media definition file that includes a plurality of categories, each category corresponding to an attribute associated with the media tracks, the **display screen layout being based on the plurality of categories**; and

for each track, **displaying the track under each category with which it is associated.**”

Grewe does not even mention that information can be displayed on a display screen. Accordingly, Grewe does not describe or even suggest the limitations of a **“display screen layout being based on the plurality of categories; and for each track, displaying the track under each category with which it is associated.”**

In view of the above it is submitted that claim 21 is allowable and, as claim 22 is dependent upon claim 21, it is also allowable.

Claim 23 reads as follows:

“23. A method of arranging media information relating to media tracks stored on a computer-readable medium, the method comprising:

identifying a plurality of attributes associated with a media track;

identifying at least two categories, each identify category corresponding to an attribute;

and

**providing a link to the track in each of the categories identified to provide a plurality of links in each category that identifies a plurality of tracks associated with the category.”**

The limitation of “**providing a link to the track in each of the categories identified to provide a plurality of links in each category that identify a plurality of tracks associated with the category**” is not described or even suggested in Grewe. Accordingly, claim 22 is also allowable.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 102 has been also been overcome, and withdrawal of this rejection is therefore respectfully requested.

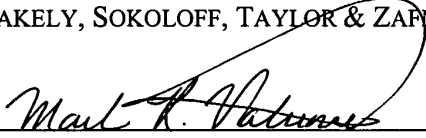
**3. Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Garth Vivier at (408) 947-8200 ext. 245.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/29, 2004

  
\_\_\_\_\_  
Mark Vatuone  
Reg. No. 53,719

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 947-8200



Docket No.: 6407P212

SC  
#14  
2/10/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RON GOODMAN, ET AL.

Application No.: 09/755,723

Filed: January 5, 2001

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

Art Group: 2175

Examiner: Rones, Charles

**RECEIVED**

FEB 05 2004

Technology Center 2100

**PETITION FOR EXTENSION OF TIME PURSUANT TO 37 C.F.R. § 1.136(a)**

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

Sir:

In accordance with 37 C.F. R. § 1.136(a), Applicants for the above-identified application respectfully  
Petition the Commissioner for a one (1) month extension of time, extending the period for response to February 03,  
2004, from the Advisory Action dated November 17, 2003. The petition filing fee of \$110.00 and a Request for  
Continued Examination are attached.

If it should be determined that a longer extension of time is required to prevent this application from being  
abandoned, please charge any additional fees to Deposit Account No. 02-2666. A copy of the Fee Transmittal is  
enclosed for deposit account charging purposes.

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Mark R. Vatuone, Reg. No. 53,719

Date: \_\_\_\_\_

1/29/04

12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025  
Telephone: (408) 947-8200

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22313-1450.

  
Dawn Shaw

1/29/04  
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02 FC:1251

110.00 OP



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

8791 7590 03/30/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

17

DATE MAILED: 03/30/2004

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



Ar

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/755,723	GOODMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles L. Roncs	2175	

-- 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 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

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

**Status**

- 1)  Responsive to communication(s) filed on 03 February 2004.
- 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) 1-4 and 6-23 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) \_\_\_\_\_ is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) 21 and 22 are subject to restriction and/or election requirement.

**Application Papers**

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

**Priority under 35 U.S.C. § 119**

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

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: Restriction/Election.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1-4, 6-20, and 23, drawn to a method/computer program for filing media tracks, classified in class 707, subclass 7.
- II. Claims 21-22, drawn to a method of displaying on a display screen, classified in class 707, subclass 526.

The inventions are distinct, each from the other because of the following reasons:

Inventions in Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a method of filing media tracks and a method of displaying are distinct and does not require the particulars of the other. The subcombination has separate utility such as method of filing and a displaying.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

***Conclusion***

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

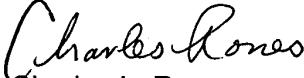
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Ronnes whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/755,723  
Art Unit: 2175

Page 4

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).

  
Charles L. Rones  
Primary Examiner  
Art Unit 2175

March 29, 2004



#18D  
6/3/04  
A.W.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Goodman, et al

Attorney Docket No.:

6407P212

Application No.: 09/755,723

Examiner: Rones, Charles L.

Filed: January 5, 2001

Group: 2175

RECEIVED

MAY 06 2004

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

Technology Center 2100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Alexandria, VA 22313 on April 30, 2004.

Signed:

*Karen Howe-Behrooz*  
Karen Howe-Behrooz

**Amendment and Response to Restriction Requirement**

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

Dear Sir:

The enclosed remarks and amendments are submitted in response to the to the Office Action mailed on March 30, 2004 wherein a restriction requirement was imposed. 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 6 of this paper.

USSN: 09/755,723

1

Atty Dkt No.:



**Listing of Claims:**

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

1. (withdrawn) A method, performed by a processor in a digital media player, for filing media tracks stored on a computer-readable medium, with each media track having attribute data for identifying attributes of the track, said method comprising:

reading a definition file that defines an ordered hierarchical tree structure having a plurality of branches, with the hierarchical tree structure including category names for naming-branches under which tracks are sorted, subcategory names for defining subcategories within the branches, and structure information defining the hierarchy of branch names and subcategory names; and

for each track, determining, based on the attribute data associated with the track if the track belongs in one or more of the branches, and, for each branch in which the track belongs, filing the track under one or more subcategories .

2-23. (cancelled)

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<sup>1</sup>  
~~24. (new) 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 organized according to a file hierarchy, the file 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~~

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accessing at least one track based on a selection made in one of the display screens.

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25. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> 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

26. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> wherein the accessing at least one track comprises selecting a subcategory and adding the tracks associated with the selected subcategory to a playlist.

4

27. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> 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

28. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> 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.

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29. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> 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

30. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> 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

31. (new) The method of selecting a track as recited in claim ~~24~~<sup>1</sup> further comprising selecting one of the items displayed in the third display screen and presenting

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a listing of items associated with the selected item in a fourth sequentially presented display screen.

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32. (new) The method of selecting a track as recited in claim 24 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

9

33. (new) The method of selecting a track as recited in claim 32 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.

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34. (new) The method of selecting a track as recited in claim 24 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.

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35. (new) The method of selecting a track as recited in claim 24 wherein the track is a music track, the item accessed in the third display screen is a track title, and the track is played in response to the access.

13

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36. (new) The method of selecting a track as recited in claim 24 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.

D



**Amendments to the Specification:**

The changes to the specification are included in the attached substitute specification, submitted pursuant to 37 CFR 1.125. Both a marked up version and a clean version are attached. The substitute specification does not include the currently pending claims, which are listed directly in a listing of claims in this paper.

D

**Amendments to the Drawings:**

New Drawings for Figures 9-14 are added. These are attached and correspond to drawings from patent application serial number 09/755.629, "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface", said application disclosure having been incorporated by reference in the original specification.

**REMARKS**

Claims 1-4 and 6-23 are pending in the application. The examiner had required restriction to one of the Group I and Group II inventions under 35 U.S.C. 121. In particular, the Examiner had indicated that the Group I inventions included claims 1-4, 6-20, and 23, drawn to a method/computer program for filing media tracks. The Examiner had further indicated that the Group II invention included claims 21-22, drawn to a method of displaying on a display screen.

Applicants hereby elect without traverse the claims of Group II, claims 21-22. The claims to the Group I invention have been either cancelled or withdrawn. In particular, claim 1 has been withdrawn and the remainder of the claims identified by the examiner to be associated with Group I, i.e., claims 2-4, 6-20, and 23 have been cancelled. Applicants reserve the right to submit the nonelected claims in a continuation or divisional application.

Further, Group II claims 21-22 have been cancelled. New claims 24-39 have been added, consistent with applicants' election of Group II. No new matter has been added. Applicants respectfully submit that new claims 24-36 fall within the classification of the elected Group II. Support for the new claims may be found throughout the original specification, including the matter incorporated by reference.

Applicants have further amended the specification to directly include matter from patent application serial number 09/755.629, "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface", said application disclosure having been incorporated by reference in the original specification. This matter is added via a substitute specification. The substitute specification adds no new matter. Clean and marked up copies are attached to this amendment. Applicants respectfully request that the substitute specification be entered pursuant to the provisions of 37 CFR 1.125.

Applicants have also submitted replacement drawings, FIGS. 9-14, attached hereto. Applicants respectfully request entry of the replacement drawings (new drawings). These drawings correspond to drawings which were a part of patent application serial number 09/755.629, "System for Selecting and Playing Songs in a

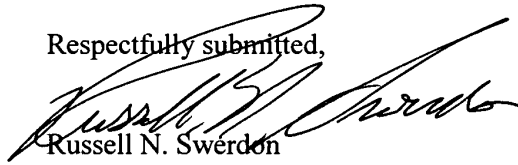
Playback Device with a Limited User Interface”, said application disclosure having been incorporated by reference in the original specification.

Applicants respectfully request entry of the amendments to the claims. The new claims correspond to the election to the invention of Group II in response to the restriction required by the Examiner in the office action of March 30, 2004. Support for the amendments may be found in the previous versions of the claims and the new drawings submitted including Figures 9 and 10 as well as the accompanying text, for example in pages 13-15 of the description. Applicants submit that the amended claims, including independent claim 24 and dependant claims 25-36, are patentable over the art of record for at least the reason that Grewe doesn't teach or suggest displaying categories or subcategories in a display screen.

**Conclusion**

Accordingly, it is submitted that all issues in the Office Action have been addressed. 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.

Respectfully submitted,



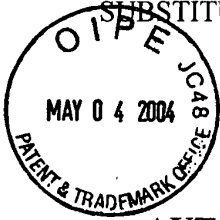
Russell N. Swerdon  
Registration No. 36,943

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
(408) 428-6600

SUBSTITUTE SPECIFICATION- MARKED UP VERSION

Attorney Docket No.: 17002-022500US  
Client Reference No.: CT-1139

*OK to Enter  
Substitute  
Specification  
CR  
12-8-04*



**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:

**CREATIVE TECHNOLOGY LTD.**  
31 International Business Park  
Creative Resource  
Singapore 609921  
Republic of Singapore

Entity: Large

Do not enter  
Drawings  
they will filed  
separately.

**AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA**

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11-16-04<sup>5</sup>

**CROSS-REFERENCES TO RELATED APPLICATIONS**

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.

CR  
11-16-04

**BACKGROUND OF THE INVENTION**

15 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.

20 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.

25 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  
30 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,  
5 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.

10 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"  
15 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  
20 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  
25 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  
30 "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  
5 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  
10 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  
15 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  
20 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  
25 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  
30 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.

5 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.

10 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. CDDDB metadata, id3v2 metadata, other obtainable metadata) and subsequently stored with or alongside the file that stores the track.

15 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.

## 20 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;

25 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~~

30 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;

5

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.

5                   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  
10                   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  
15                   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

20                   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  
25                   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
```

```
{
```

30                   kTTNothing=0x00,

```
    kTTSong=0x01,  
    kTTVoice=0x02,  
    kTTBook=0x04,  
    kTTMacro=0x08,  
5    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  
10 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:

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

30 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.

5           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):

10

V1.0

Album|0x01|BLBN

Artist|0x01|BMBN

Genre|0x01|BGBN

15

Voice Tracks|0x02|BSBGBN

Playlists|0x10|BN

Macros|0x08|BN

All Tracks|0x07|BN

20

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.

30

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.

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.

5                    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  
10 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.

15                    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:

20    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			

Required Attributes

Attribute Name	Value(s)	Remarks
TITLE	ASCII string	<u>Required By Jukebox</u>
CODEC	“MP3”, “WMA”, “WAV”	<u>Required By Jukebox</u>
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

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

10 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.

5 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.

10

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 ()

15 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

20

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  
25 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

5 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  
10 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  
15 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  
20 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  
25 126, 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 currently-selected item, which is  
30 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.

5 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.

10 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.

15 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.

20 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.

25 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. 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  
30 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 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.

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.

5

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

TABLE I

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.

5 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  
10 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  
15 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  
20 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:**



**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.

SF 1174925 v2



FEPLA

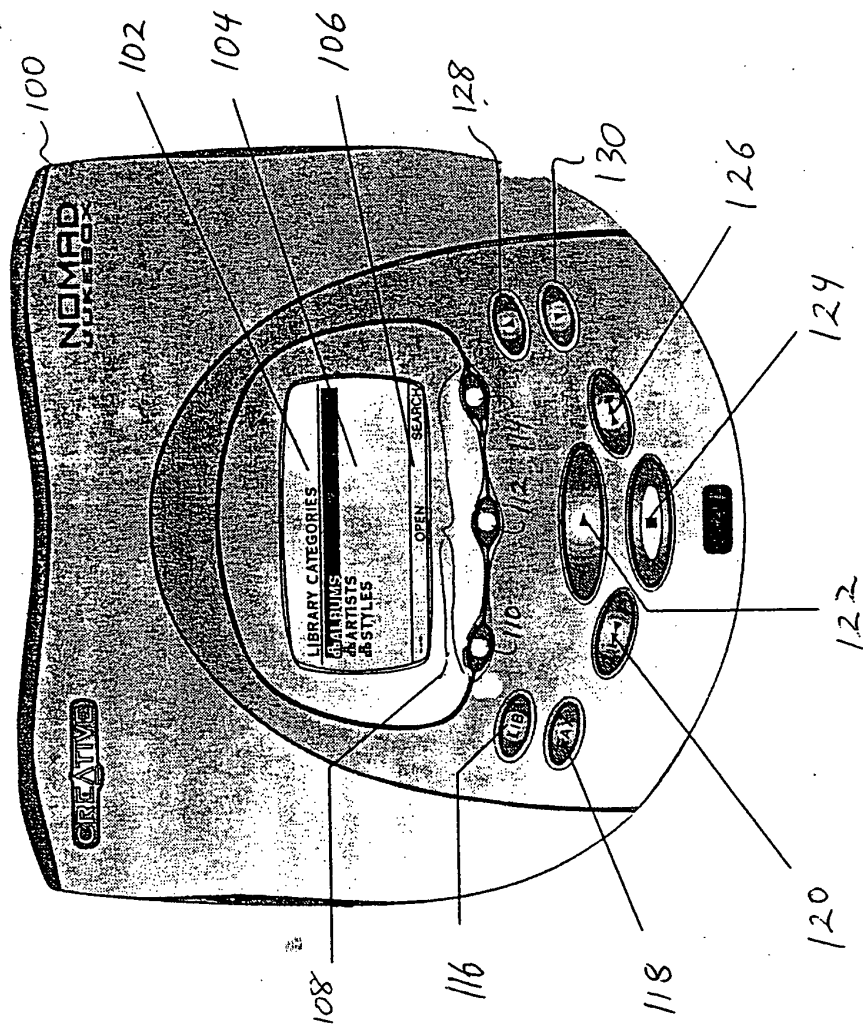


Fig. 9

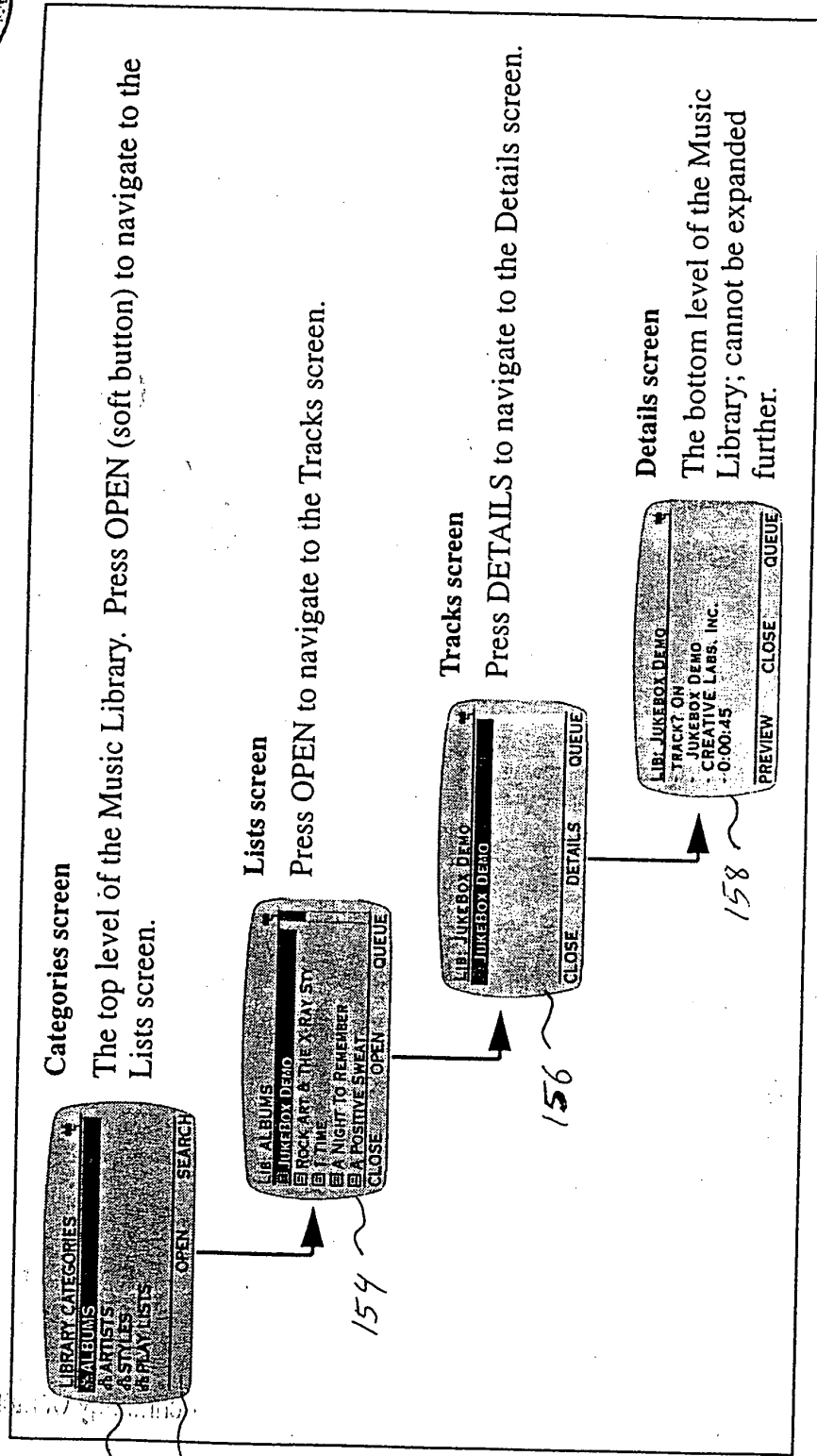


Fig. 10

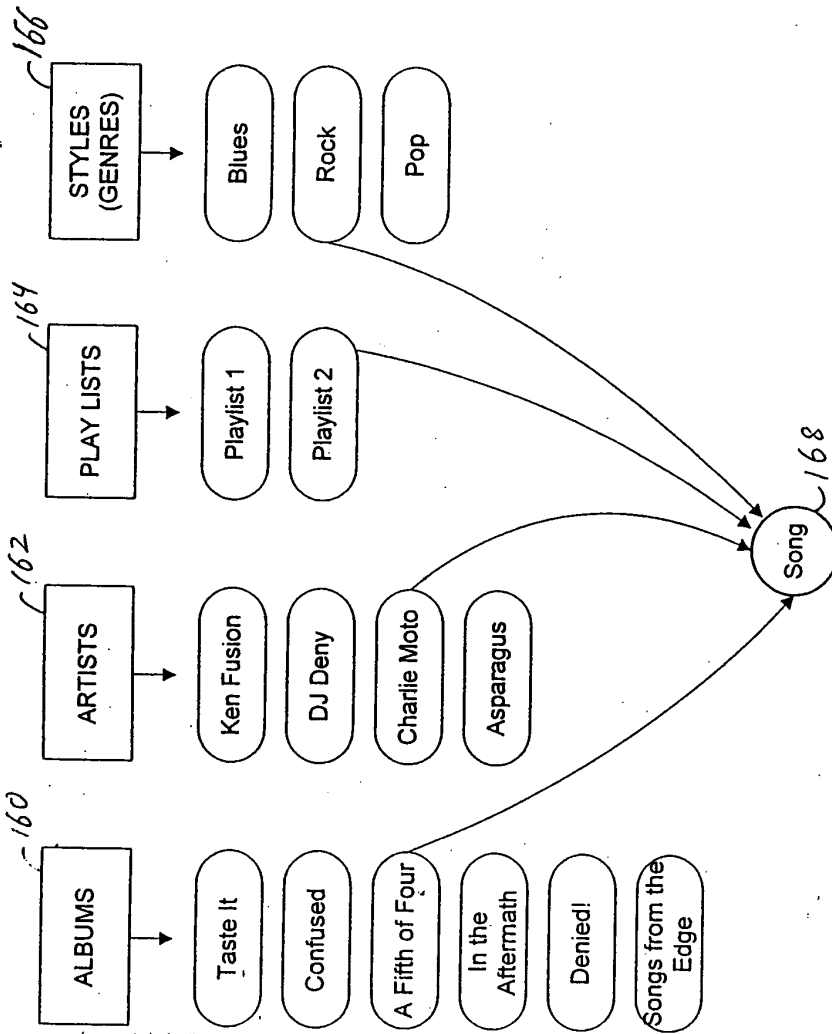


Fig. 11



1. Press SCROLL UP/DOWN buttons to select ALBUMS.
2. Press SEARCH to access the SEARCH FOR ALBUMS screen.
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 ^).

**NOTE:** As each letter is entered, the letters are compared with the ALBUMS list. The ALBUM with the nearest match is displayed.

4. Press GO! to jump to the nearest match. The album appears on the screen.

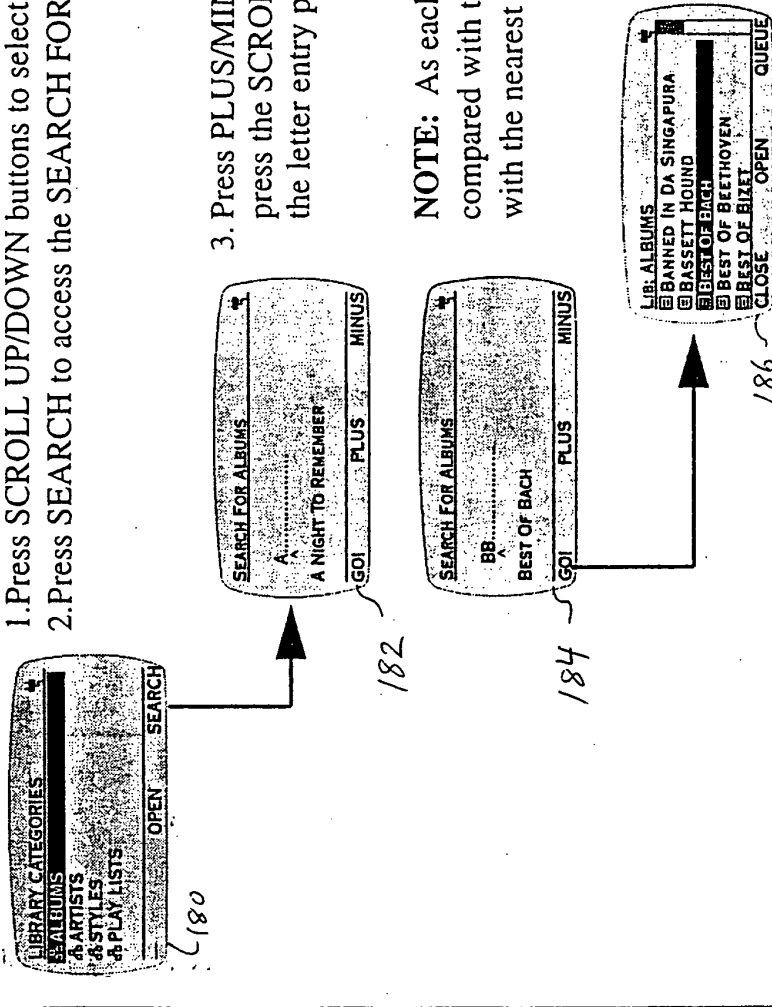
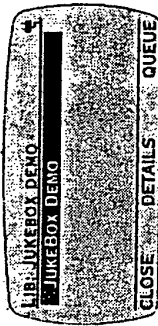


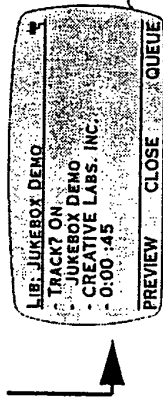
Fig. 12



*View DETAILS accessed from the TRACKS screen:*

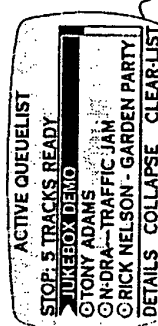


1. Press **DETAILS**. The **DETAILS** screen displays the Track Order, Album, Artist, and duration of the track.

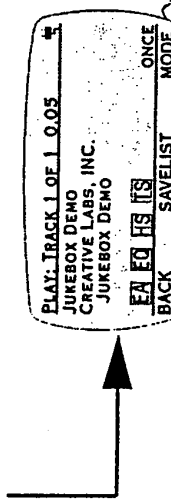


2. Press **CLOSE** to return to the **TRACKS** screen.

*Viewing DETAILS accessed from the ACTIVE QUEUE LIST screen:*



1. Press **DETAILS**. The **DETAILS** screen displays the Track Title, Artist, and 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**

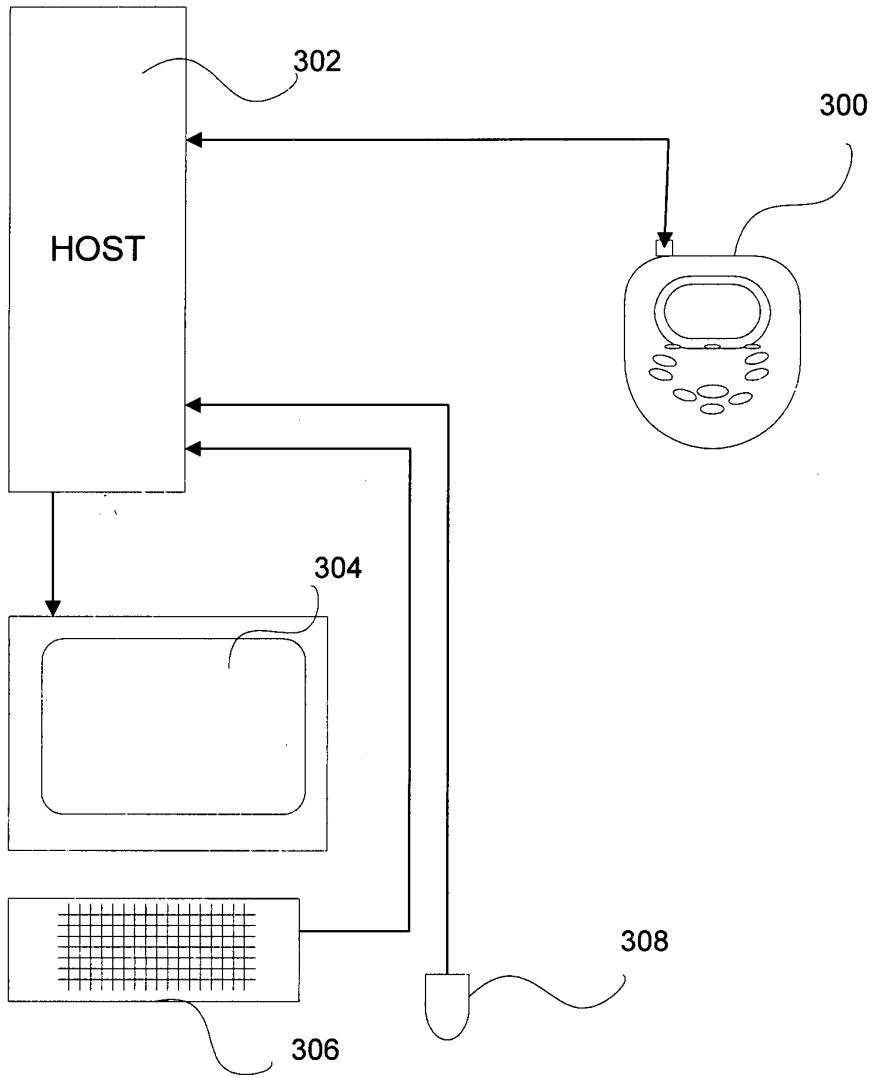


Fig. 14



#119  
6/3/04  
A.W.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
GOODMAN, et al  
Application No.: 09/755,723  
Filed: January 5, 2001  
For: **AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA**

Examiner: RONES, Charles L.  
Art Unit: 2175

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**INFORMATION DISCLOSURE STATEMENT**

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Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

37 C.F.R. §1.97(b).

37 C.F.R. §1.97(c). If so, then enclosed with this Information Disclosure Statement is one of the following:





- ( ) A statement pursuant to 37 C.F.R. §1.97(e) or
- ( ) A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).
- ( ) 37 C.F.R. §1.97(d). If so, then enclosed with this Information Disclosure Statement are the following:
  - (1) A statement pursuant to 37 C.F.R. §1.97(e); and
  - (2) A check for \$180.00 for the fee under 37 C.F.R. §1.17(p) for submission of the Information Disclosure Statement.

Respectfully submitted,

Russell N. Swerdon  
Reg. No. 36,943

Date: 4.30.04

Creative Labs, Inc.  
1901 McCarthy Blvd.  
Milpitas, CA 95035  
(408) 428-6600

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## SCORE Placeholder Sheet for IFW Content

Application Number: **09755723**

Document Date: **05/04/2004**

The presence of this form in the IFW record indicates that the following document type was received in paper and is scanned and stored in the SCORE database.

- Drawings

Images of the original documents are scanned in gray scale or color and stored in SCORE. Bi-tonal images are also stored in IFW. Defects visible in both IFW and SCORE are indicative of defects in the original paper documents.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

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- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://es/ScoreAccessWeb/>).
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Form Revision Date: December 8, 2006

2178



PTO/SB/21 (03-03)  
Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/755,723	
	Filing Date	01/05/2001	
	First Named Inventor	GOODMAN, Ron	
	Art Unit	2175	
	Examiner Name	RONES, Charles L.	
Total Number of Pages in This Submission	62	Attorney Docket Number	6407P212

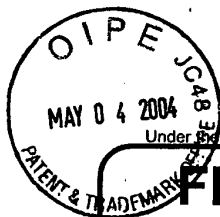
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____ Items also enclosed: Information Disclosure Statement Cover Letter; References with Information Disclosure Statement; and Return Receipt Postcard.		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <b>RECEIVED</b>          MAY 06 2004          Technology Center 2100       </div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Russell N. Swerdon Reg. No. 36,943
Signature	
Date	April 30, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span style="border: 1px solid black; padding: 2px;">April 30, 2004</span>			
Typed or printed	Karen Howe-Behrooz		
Signature		Date	4-30-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 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, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

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## FEE TRANSMITTAL for FY 2004

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

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) 0

Complete if Known	
Application Number	09/755,723
Filing Date	01/05/2001
First Named Inventor	GOODMAN, Ron
Examiner Name	RONES, Charles
Art Unit	2175
Attorney Docket No.	6407P212

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MAY 06 2004

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

Check  Credit card  Money Order  Other  None

Deposit Account:

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

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION** (continued)

Technology Center 2100

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ ) 0

**FEE CALCULATION**

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$ ) 0

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

Total Claims: \_\_\_\_\_ -20\*\* = 0 x 18 = 0  
 Independent Claims: \_\_\_\_\_ -3\*\* = 0 x 86 = 0  
 Multiple Dependent: \_\_\_\_\_ = \_\_\_\_\_

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$ ) 0

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

**SUBMITTED BY** (Complete if applicable)

Name (Print/Type)	RUSSELL N. SWERDON	Registration No. (Attorney/Agent)	36,943	Telephone	(408) 428-6600
Signature	<i>Russell Swerdon</i>	Date	4-30-2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOTICE OF ALLOWANCE AND FEE(S) DUE

08791 7590 06/09/2004
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

DATE MAILED: 06/09/2004

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
09/755,723 01/05/2001 Ron Goodman 017002022500 3728

TITLE OF INVENTION: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

Table with 6 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE, PUBLICATION FEE, TOTAL FEE(S) DUE, DATE DUE
nonprovisional NO \$1330 \$300 \$1630 09/09/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

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

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

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

[ ] Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

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

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

**PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

08791                      7590                      06/09/2004  
**BLAKELY SOKOLOFF TAYLOR & ZAFMAN**  
**12400 WILSHIRE BOULEVARD, SEVENTH FLOOR**  
**LOS ANGELES, CA 90025**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

TITLE OF INVENTION: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	09/09/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
RONES, CHARLES	2175	707-104100

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.</p> <p>1 _____</p> <p>2 _____</p> <p>3 _____</p>
--	---

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE \_\_\_\_\_ (B) RESIDENCE: (CITY and STATE OR COUNTRY) \_\_\_\_\_

Please check the appropriate assignee category or categories (will not be printed on the patent);  individual  corporation or other private group entity  government

<p>4a. The following fee(s) are enclosed:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s):</p> <p><input type="checkbox"/> A check in the amount of the fee(s) is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

<p>(Authorized Signature) _____ (Date) _____</p>	<p>NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.</p> <p>This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.</p> <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</p>
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

08791 7590 06/09/2004  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2175

DATE MAILED: 06/09/2004

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

The Patent Term Adjustment to date is 303 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 303 day(s).

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

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

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

09/755,723

Examiner

Charles L. Rones

Applicant(s)

GOODMAN ET AL.

Art Unit

2175

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

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

- 1.  This communication is responsive to amendment filed May 4, 2004.
- 2.  The allowed claim(s) is/are 24-36.
- 3.  The drawings filed on 05 January 2001 are accepted by the Examiner.
- 4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All   b)  Some\*   c)  None   of the:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

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

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

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

**Attachment(s)**

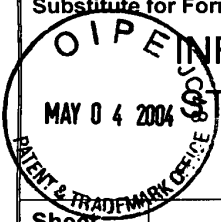
- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 19
- 4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_.

*Charles Rones*  
Charles L. Rones  
Primary Examiner  
Art Unit: 2175



Substitute for Form 1449/PTO

Complete if Known



**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

Application Number	09/755,723
Filing Date	01/05/2001
First Named Inventor:	GOODMAN, Ron
Art Unit	2175
Examiner Name	RONES, Charles L.
Attorney Docket Number	6407P212

Sheet 1 of 2

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-	Number-Kind Code <sup>2</sup> (if known)			
CR	1	US-	6,377,530-B1	04-23-2002	BURROWS	
		US-				
		US-				
		US-				
		US-				
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		US-				
		US-				

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**FOREIGN PATENT DOCUMENTS**

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

Examiner Signature	<i>C. Rones</i>	Date Considered	6-8-04
--------------------	-----------------	-----------------	--------

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

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

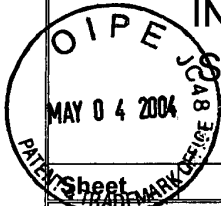
If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for Form 1449/PTO

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)



Application Number	09/755,723
Filing Date	01/05/2001
First Named Inventor:	GOODMAN, Ron
Art Unit	2175
Examiner Name	RONES, Charles L.
Attorney Docket Number	6407P212

Sheet 2 of 2

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
CR	1	Web page, MENTA, RICHARD, "1200 Song MP3 Portable is a Milestone Player," MP3 newswire.net, 01/11/00, 5 pages, <a href="http://pjbox.com/newswire/">http://pjbox.com/newswire/</a>	
CR	2	Web page on "MusicMatch Jukebox 4.0: Screen Shot 1," PC Magazine, June 17, 1999, 2 pages, <a href="http://web.archive.org/web/20000226113655/www.zdnet.com/products/stories/reviews/0,4161,2277814,00.html">http://web.archive.org/web/20000226113655/www.zdnet.com/products/stories/reviews/0,4161,2277814,00.html</a>	
CR	3	Web page, NORTON, PATRICK, "MusicMatch Jukebox 4.1, the Ultimate MP3 Utility," techtv, 9/17/1999, 2 pages, <a href="http://www.techtv.com/freshgear/print/0,23102,2324631,00.html">http://www.techtv.com/freshgear/print/0,23102,2324631,00.html</a>	
CR	4	Web page on "Can you carry your CD collection in your pocket? Yes, you can." Compaq web site, 3 pages, <a href="http://research.compaq.com/SRC/pjb/">http://research.compaq.com/SRC/pjb/</a> , printed on April 30, 2004.	

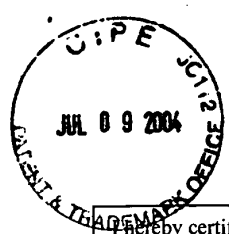
**RECEIVED**  
MAY 06 2004  
Technology Center 2100

Examiner Signature	<i>C. R. ones</i>	Date Considered	6-8-04
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English 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, U.S. Department of Commerce, Washington, DC 20231. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

07-12-04

2175#  
B  
93



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ER886552274US with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 9, 2004  
Date of Deposit

Cynthia K. Dawn  
Name of Person Mailing Correspondence

Cynthia K. Dawn

Application No.: 09/755,723

Title: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Applicant: Ron Goodman

Filed: January 5, 2001  
TC/A.U. 2175

Examiner: Rones, Charles

Docket No.: 6407P212  
Customer No.: 40032

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

AMENDMENT AND PETITION UNDER 37 C.F.R. § 1.48(c)  
TO CORRECT INVENTORSHIP

Dear Sir:

The undersigned hereby respectfully requests and petitions that the above-referenced application be amended under 37 C.F.R. § 1.48(c) to correct inventorship of the application.

The application was filed on January 5, 2001 naming the following persons as inventors of the present patent application:

07/14/2004 SHINASS1 00000096 09755723  
130.00 OP  
01-FC:1460

- (1) Ron Goodman, a citizen of the United States, residing at 226 Jeter Street, Santa Cruz, CA 95060; and
- (2) Howard N. Egan, a citizen of the United States, residing at 219 Elinor Street, Capitola, CA 95010.

Please correct and amend the present patent application so that David Bristow, a citizen of the United Kingdom, residing at 5988 NE Tolo Road, Bainbridge Island, WA 98110 is additionally named as a joint inventor of the present patent application.

It is respectfully submitted that the amendment is necessitated by amendment of the claims and that the error in inventorship of the present patent application was made without any deceptive intent by anyone, including the actual inventors.

Enclosed with this Amendment and Petition are the following documents:

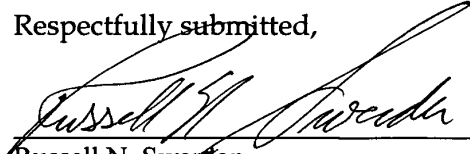
- (1) a verified Statement of Facts by David Bristow stating that the addition in inventorship of the present patent application is necessitated by amendment of the claims and that the inventorship error occurred without any deceptive intent on his part;
- (2) an executed Declaration/Power of Attorney indicating all inventors; and
- (3) an Assent of Assignee for Correction of Inventorship with a copy of the previously recorded Notice of Recordation of Assignment document.

The Assignment by the additional inventor, David Bristow, to be recorded in accordance with 37 C.F.R. § 1.33(1), and a check in the amount of \$40.00 to cover the recordation fee required by 37 C.F.R. § 1.21(h), are being forwarded separately to the Assignment Division.

Enclosed herewith is a check in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i) for correction of inventorship.

Respectfully submitted,

Dated: July 9, 2004

  
\_\_\_\_\_  
Russell N. Swerdon  
Reg. No. 36,943

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
(408) 428-6600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ER826552274

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail ~~first class mail~~ with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 9, 2004  
Date of Deposit

Cynthia K. Dawn  
Name of Person Mailing Correspondence

Cynthia K. Dawn July 9, 2004  
Signature Date

Application No.: 09/755,723

Title: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

Applicant: Ron Goodman

Filed: January 5, 2001

TC/A.U. 2175

Examiner: Rones, Charles

Docket No.: 6407P212

Customer No.: 40032

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

STATEMENT OF FACTS BY DAVID BRISTOW  
UNDER 37 C.F.R. § 1.48(c)

Dear Sir:

I hereby declare:

1. I am making this Statement of Facts under 37 C.F.R. § 1.48(c) in connection with U.S. Patent Application Serial No.09/755,723 filed January 5, 2001 (hereinafter referred to as "the present patent application").

2. My current residence and country of citizenship is as follows:

David Bristow, a citizen of the United Kingdom, residing at 5988 NE Tolo Road, Bainbridge Island, WA 98110.

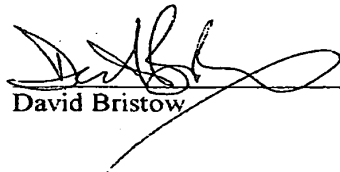
3. The amendment in inventorship is made as necessitated by amendment of the claims. An inventorship error was made by naming only Ron Goodman and Howard N. Egan as joint inventors, rather than naming Ron Goodman, Howard N. Egan and David Bristow as joint inventors.

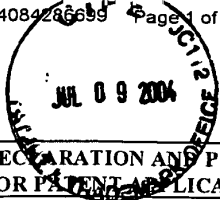
4. The inventorship error was made without any deceptive intent whatsoever on my part.

5. It is now requested that the additional inventor David Bristow be added to the present patent application.

I declare that all statements made herein on 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 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.

Dated: July 7<sup>th</sup>, 2004

  
\_\_\_\_\_  
David Bristow



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.

<b>Send Correspondence to:</b> P. Francois de Villiers <b>Customer No. 40032</b> Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	<b>Direct Telephone Calls To:</b>  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

Inventor's Signature

July 7, 2004  
Date

<b>DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (continued)</b>	<b>ATTORNEY DOCKET NO. <u>6407P212</u></b>
---	--

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 , 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 , 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

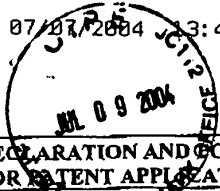
Full Name of Inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

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) certificates 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:  P. Francois de Villiers Customer No. 40032 Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	Direct Telephone Calls To:  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

Inventor's Signature \_\_\_\_\_ Date July 2004

**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 Ellner 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 Toim 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

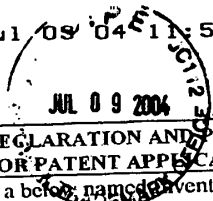
Date

Jul 09 '04 11:50a

dave bristow

206 780 2496

P. 4  
4/7



PATENT APPLICATION

ATTORNEY DOCKET NO. 6407P212

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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:  P. Francois de Villiers Customer No. 40032 Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	Direct Telephone Calls To:  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

Inventor's Signature \_\_\_\_\_ Date July 2004

**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 <sup>28</sup> , 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



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ER86652274US with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 9, 2004  
Date of Deposit

Cynthia K. Dawn  
Name of Person Mailing Correspondence

*Cynthia K. Dawn*

Application No.: 09/755,723

Title: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Applicant: Ron Goodman

Filed: January 5, 2001

TC/A.U. 2175

Examiner: Rones, Charles

Docket No.: 6407P212

Customer No.: 40032

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

ASSENT OF ASSIGNEE UNDER 37 C.F.R. § 3.73(b)  
FOR CORRECTION OF INVENTORSHIP

Dear Sir:

Attached please find a copy of the Recordation of Assignment document that is currently on file with the U.S. Patent and Trademark Office concerning the above noted application. The Assignment document is being submitted to provide evidence of chain of title for this application.

07/14/2004 SMINASS1 00000096 09755723

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Assignee, CREATIVE TECHNOLOGY LTD., a Singapore corporation having a place of business at 31 International Business Park, Creative Resource, Singapore 609921, Republic of Singapore, does hereby assent to the correction of inventorship, the petition for which is filed herewith, which seeks to add David Bristow as an additional inventor in the above-referenced application. The undersigned of Creative Technology Ltd. does hereby declare, under penalty of perjury, that he is authorized by Creative Technology Ltd. to make this Assent of Assignee for Correction of Inventorship.

Respectfully submitted,

Dated: 2/6/, 2004



---

Chon Hock Leow  
Chief Technology Officer



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 ASSISTANT SECRETARY AND COMMISSIONER  
 OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

JULY 30, 2001

PTAS  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 CHARLES E. KRUEGER  
 TWO EMBARCADERO CENTER, EIGHTH FLOOR  
 SAN FRANCISCO, CALIFORNIA 94111



*GE Stanton*  
*017002022500US*  
 101717181A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/23/2001

REEL/FRAME: 011788/0174  
 NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
 GOODMAN, RON

DOC DATE: 03/14/2001

ASSIGNOR:  
 EGAN, HOWARD N.

DOC DATE: 03/22/2001

ASSIGNEE:  
 CREATIVE TECHNOLOGY LTD., A CORP.  
 OF THE REPUBLIC OF SINGAPORE  
 31 INTERNATIONAL BUSINESS PARK  
 CREATIVE RESOURCE  
 SINGAPORE, SINGAPORE 609921

SERIAL NUMBER: 09755723  
 PATENT NUMBER:

FILING DATE: 01/05/2001  
 ISSUE DATE:

011788/0174 PAGE 2

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



**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, 8<sup>th</sup> 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.

Assignment  
Attorney Docket No.: 17002-022500US  
Page 2

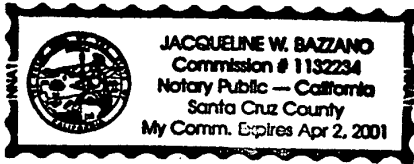
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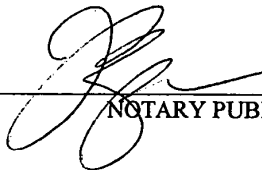
  
\_\_\_\_\_  
RON GOODMAN

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.



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 4/2/2001

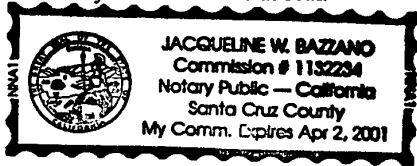
Dated: 3-22-2001

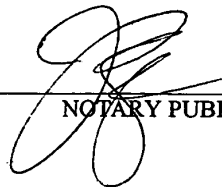
  
\_\_\_\_\_  
HOWARD N. EGAN

STATE OF CALIFORNIA     )  
  )  
  )     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.

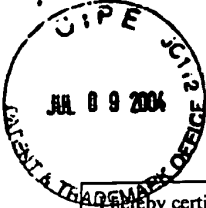


  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 4/2/2001

07-12-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ER886552274US with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 9, 2004  
Date of Deposit

Cynthia K. Dawn  
Name of Person Mailing Correspondence

Cynthia K. Dawn

#23  
9/10/04  
AW

Application No.: 09/755,723

Title: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Applicant: Ron Goodman

Filed: January 5, 2001  
TC/A.U. 2175  
Examiner: Rones, Charles

Docket No.: 6407P212  
Customer No.: 40032

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

Match and Return

AMENDMENT AND PETITION UNDER 37 C.F.R. § 1.48(c)  
TO CORRECT INVENTORSHIP

Dear Sir:

The undersigned hereby respectfully requests and petitions that the above-referenced application be amended under 37 C.F.R. § 1.48(c) to correct inventorship of the application.

The application was filed on January 5, 2001, naming the following persons as inventors of the present patent application:

07/14/2004 00000036 09755723  
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91-FC:1460

- (1) Ron Goodman, a citizen of the United States, residing at 226 Jeter Street, Santa Cruz, CA 95060; and
- (2) Howard N. Egan, a citizen of the United States, residing at 219 Elinor Street, Capitola, CA 95010.

Please correct and amend the present patent application so that David Bristow, a citizen of the United Kingdom, residing at 5988 NE Tolo Road, Bainbridge Island, WA 98110 is additionally named as a joint inventor of the present patent application.

It is respectfully submitted that the amendment is necessitated by amendment of the claims and that the error in inventorship of the present patent application was made without any deceptive intent by anyone, including the actual inventors.

Enclosed with this Amendment and Petition are the following documents:

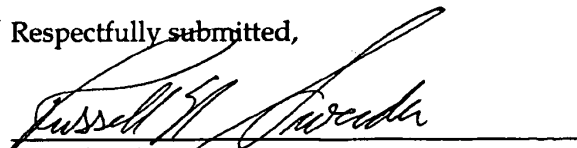
- (1) a verified Statement of Facts by David Bristow stating that the addition in inventorship of the present patent application is necessitated by amendment of the claims and that the inventorship error occurred without any deceptive intent on his part;
- (2) an executed Declaration/Power of Attorney indicating all inventors; and
- (3) an Assent of Assignee for Correction of Inventorship with a copy of the previously recorded Notice of Recordation of Assignment document.

The Assignment by the additional inventor, David Bristow, to be recorded in accordance with 37 C.F.R. § 1.33(1), and a check in the amount of \$40.00 to cover the recordation fee required by 37 C.F.R. § 1.21(h), are being forwarded separately to the Assignment Division.

Enclosed herewith is a check in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i) for correction of inventorship.

Respectfully submitted,

Dated: July 9, 2004

  
Russell N. Swerdon  
Reg. No. 36,943

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
(408) 428-6600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ER88655227

I hereby certify that this correspondence is being deposited with the United States Postal Service as *Express mail* ~~first class mail~~ with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 9, 2004  
Date of Deposit

Cynthia K. Dawn  
Name of Person Mailing Correspondence

Cynthia K. Dawn July 9, 2004  
Signature Date

Application No.: 09/755,723

Title: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Applicant: Ron Goodman

Filed: January 5, 2001

TC/A.U. 2175

Examiner: Rones, Charles

Docket No.: 6407P212

Customer No.: 40032

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

STATEMENT OF FACTS BY DAVID BRISTOW  
UNDER 37 C.F.R. § 1.48(c)

Dear Sir:

I hereby declare:

I. I am making this Statement of Facts under 37 C.F.R. § 1.48(c) in connection with U.S. Patent Application Serial No.09/755,723 filed January 5, 2001 (hereinafter referred to as "the present patent application").

2. My current residence and country of citizenship is as follows:

David Bristow, a citizen of the United Kingdom, residing at 5988 NE Tolo Road, Bainbridge Island, WA 98110.

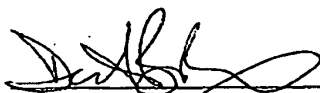
3. The amendment in inventorship is made as necessitated by amendment of the claims. An inventorship error was made by naming only Ron Goodman and Howard N. Egan as joint inventors, rather than naming Ron Goodman, Howard N. Egan and David Bristow as joint inventors.

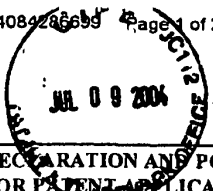
4. The inventorship error was made without any deceptive intent whatsoever on my part.

5. It is now requested that the additional inventor David Bristow be added to the present patent application.

I declare that all statements made herein on 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 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.

Dated: July 7<sup>th</sup>, 2004

  
David Bristow



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:

Table with 4 columns: COUNTRY, APPLICATION NUMBER, DATE FILED, PRIORITY CLAIMED UNDER 35 U.S.C. 119. Includes YES/NO checkboxes.

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:

Table with 2 columns: 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:

Table with 3 columns: 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: P. Francois de Villiers, Customer No. 40032, Creative Labs, Inc., 1901 McCarthy Boulevard, Milpitas, CA 95035. Direct Telephone Calls To: 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

Handwritten signature of Ron Goodman.

Inventor's Signature

July 7, 2004 Date

**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 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

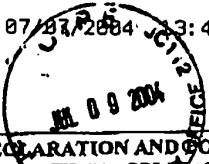
Full Name of Inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

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:  P. Francois de Villiers Customer No. 40032 Creative Labs, Inc. 1901 McCarthy Boulevard Milpitas, CA 95035	Direct Telephone Calls To:  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

Inventor's Signature \_\_\_\_\_ Date July, 2004

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION (continued)**

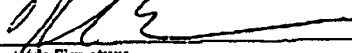
**ATTORNEY DOCKET NO. 6407P212**

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:  Date: July 7, 2004

Full Name of Inventor: David BRISTOW

Citizenship: UNITED KINGDOM

Residence: 5288 NE Toon 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: \_\_\_\_\_

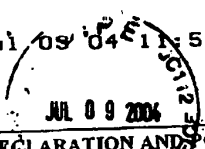
Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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deje bristow

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P. 4  
4/7



PATENT APPLICATION

ATTORNEY DOCKET NO. 6407P212

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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:

Table with 4 columns: COUNTRY, APPLICATION NUMBER, DATE FILED, PRIORITY CLAIMED UNDER 35 U.S.C. 119 (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:

Table with 2 columns: 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:

Table with 3 columns: 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: P. Francois de Villiers, Customer No. 40032, Creative Labs, Inc., 1901 McCarthy Boulevard, Milpitas, CA 95035. Direct Telephone Calls To: Russell N. Sverdon, (408) 428-6609.

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

Inventor's Signature, July 2004, Date

**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 Minor Street, Capitola, CA 95010 USA

Post Office Address: Same


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 \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. ER86652274US with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 9, 2004  
Date of Deposit

Cynthia K. Dawn  
Name of Person Mailing Correspondence

Cynthia K. Dawn

Application No.: 09/755,723

Title: AUTOMATIC HIERARCHICAL  
CATEGORIZATION OF MUSIC BY  
METADATA

Applicant: Ron Goodman

Filed: January 5, 2001  
TC/A.U. 2175

Examiner: Rones, Charles

Docket No.: 6407P212  
Customer No.: 40032

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

ASSENT OF ASSIGNEE UNDER 37 C.F.R. § 3.73(b)  
FOR CORRECTION OF INVENTORSHIP

Dear Sir:

Attached please find a copy of the Recordation of Assignment document that is currently on file with the U.S. Patent and Trademark Office concerning the above noted application. The Assignment document is being submitted to provide evidence of chain of title for this application.

**Match and Return**

07/14/2004 SMINASS1 00000096 09755723


01 FC:1460

130.00 DP

Assignee, CREATIVE TECHNOLOGY LTD., a Singapore corporation having a place of business at 31 International Business Park, Creative Resource, Singapore 609921, Republic of Singapore, does hereby assent to the correction of inventorship, the petition for which is filed herewith, which seeks to add David Bristow as an additional inventor in the above-referenced application. The undersigned of Creative Technology Ltd. does hereby declare, under penalty of perjury, that he is authorized by Creative Technology Ltd. to make this Assent of Assignee for Correction of Inventorship.

Respectfully submitted,

Dated: 7/6/, 2004

  
\_\_\_\_\_  
Chon Hock Leow  
Chief Technology Officer



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 ASSISTANT SECRETARY AND COMMISSIONER  
 OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

JULY 30, 2001

PTAS  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 CHARLES E. KRUEGER  
 TWO EMBARCADERO CENTER, EIGHTH FLOOR  
 SAN FRANCISCO, CALIFORNIA 94111



*GE Stanton* 101717181A\*  
 017002022500US

UNITED STATES PATENT AND TRADEMARK OFFICE  
 NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/23/2001

REEL/FRAME: 011788/0174  
 NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
 GOODMAN, RON

DOC DATE: 03/14/2001

ASSIGNOR:  
 EGAN, HOWARD N.

DOC DATE: 03/22/2001

ASSIGNEE:  
 CREATIVE TECHNOLOGY LTD., A CORP.  
 OF THE REPUBLIC OF SINGAPORE  
 31 INTERNATIONAL BUSINESS PARK  
 CREATIVE RESOURCE  
 SINGAPORE, SINGAPORE 609921

SERIAL NUMBER: 09755723  
 PATENT NUMBER:

FILING DATE: 01/05/2001  
 ISSUE DATE:

011788/0174 PAGE 2

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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Assignment  
Attorney Docket No.: 17002-022500US  
Page 2

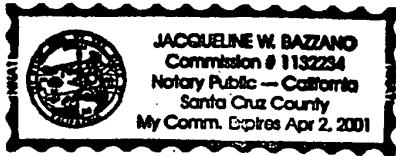
Dated: 3/14/2001

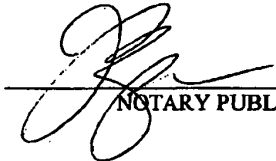
  
\_\_\_\_\_  
RON GOODMAN

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.



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 4/2/2001

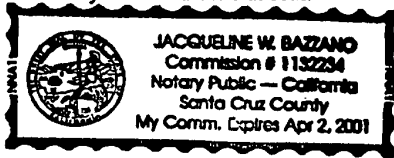
Dated: 3-22-2001

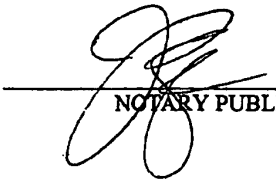
  
\_\_\_\_\_  
HOWARD N. EGAN

STATE OF CALIFORNIA     )  
                                  )     ss.  
COUNTY OF                    )

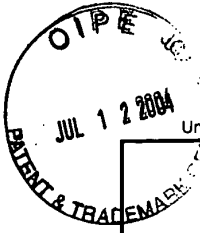
On March 22, 2001, before me, Jacqueline W. Bazzano (Notary Public), personally appeared HOWARD N. EGAN, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the 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.



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 4/2/2001



B/93 2175

PTO/SB/82 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

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.

<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	09/755,723
	Filing Date	1/5/2001
	First Named Inventor	GOODMAN et al.
	Art Unit	2175
	Examiner Name	Rones, Charles
	Attorney Docket Number	6407P212

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number:

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number:

OR

Firm or Individual Name

Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

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

**SIGNATURE of Applicant or Assignee of Record**

Name	Chon Hock Leow		
Signature			
Date	<input type="text" value="7/6/04"/>	Telephone	(408) 428-6600

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

\*Total of 1 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: CREATIVE TECHNOLOGY LTD.  
Application No./Patent No.: 09/755,723 Filed/Issue Date: 1/5/2001  
Entitled: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA  
CREATIVE TECHNOLOGY LTD., a CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 011788/0174, or for which a copy thereof is attached.

OR

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

- 1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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- 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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

Copies of assignments or other documents in the chain of title are attached.  
**[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]**

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

7/6/04  
Date  
(408) 428-6600  
Telephone number

CHON HOCK LEOW  
Typed or printed name  
[Signature]  
Signature  
CHIEF TECHNOLOGY OFFICER  
Title

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

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B/93 2175 RA #21 8-16-04 TC

PTO/SB/82 (09-03) Approved for use through 11/30/2005. OMB 0651-0035 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	09/755.723
	Filing Date	1/5/2001
	First Named Inventor	GOODMAN et al.
	Art Unit	2175
	Examiner Name	Rones, Charles
	Attorney Docket Number	6407P212

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number:

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number:

OR

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

I am the:

Applicant/Inventor.

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

**SIGNATURE of Applicant or Assignee of Record**

Name	Chon Hock Leow		
Signature			
Date	<input type="text" value="7/6/04"/>	Telephone	(408) 428-6600

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

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: CREATIVE TECHNOLOGY LTD.  
Application No./Patent No.: 09/755,723 Filed/Issue Date: 1/5/2001  
Entitled: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA  
CREATIVE TECHNOLOGY LTD., a CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 011788/0174, or for which a copy thereof is attached.

OR

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

- 1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
- 2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
- 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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

Copies of assignments or other documents in the chain of title are attached.  
**[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]**

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

7/6/04  
Date  
(408) 428-6600  
Telephone number

CHON HOCK LEOW  
Typed or printed name  
  
Signature  
CHIEF TECHNOLOGY OFFICER  
Title

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

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

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

**PATENT**

In re application of: Goodman, et al

Application No.: 09/755,723

Filed: January 5, 2001

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

Attorney Docket No.:  
6407P212

Examiner: Rones, Charles L.

Group: 2175

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JUL 27 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (FAX. No. (703) 872-9306 on July 27, 2004.

Signed: Cynthia K. Dawn  
Cynthia K. Dawn

Amendment After Notice of Allowance, pursuant to 37 CFR 1.312

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

Dear Sir:

The enclosed remarks and amendments are submitted under the provisions of 37 CFR 1.312. This amendment is filed on or before the date the issue fee is paid. 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 6 of this paper. Formal drawings are also attached to replace several informal drawings in the drawing package previously submitted.

USSN: 09/755,723

1

Atty Dkt No.: 6407P212

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**Listing of Claims:**

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

1-23. (cancelled)

24. (currently amended) 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~~ ~~organized~~ according to a ~~file~~ hierarchy, the ~~file~~ 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.

25. (previously presented) The method of selecting a track as recited in claim 24 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.

26. (previously presented) The method of selecting a track as recited in claim 24 wherein the accessing at least one track comprises selecting a subcategory and adding the tracks associated with the selected subcategory to a playlist.

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2

Atty Dkt No.: 6407P212



27. (previously presented) The method of selecting a track as recited in claim 24 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.

28. (previously presented) The method of selecting a track as recited in claim 24 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.

29. (previously presented) The method of selecting a track as recited in claim 24 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.

30. (previously presented) The method of selecting a track as recited in claim 24 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.

31. (previously presented) The method of selecting a track as recited in claim 24 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.

32. (previously presented) The method of selecting a track as recited in claim 24 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.

33. (previously presented) The method of selecting a track as recited in claim 32 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

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3

Atty Dkt No.: 6407P212

third display screen and presenting a listing of tracks associated with the selected album in a fourth sequentially presented display screen.

34. (previously presented) The method of selecting a track as recited in claim 24 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.

35. (currently amended) The method of selecting a track as recited in claim 24 wherein the track is a music track, accessing at least one track comprises accessing a track title ~~the item accessed~~ in the third display screen ~~is a track title~~, and the track is played in response to the access.

36. (previously presented) The method of selecting a track as recited in claim 24 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.

37. (new) The method of selecting a track as recited in claim 24 wherein the category selected in the first display screen is from a top level of the hierarchy.

38. (new) The method of selecting a track as recited in claim 24 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.

39. (new) The method of selecting a track as recited in claim 24 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.

**REMARKS**

The examiner had indicated the allowability of claims 24-36 in a notice of allowance mailed on June 9, 2004. As a result of the amendment filed on or about April 30, only claims 1 and 24-36 had been pending.

Applicants herewith have amended the claims to cancel claim 1. Claim 1 had previously been merely withdrawn, hence the cancellation deals with mere informalities. Independent claim 24 has been amended to identify in the preamble that the plurality of tracks are accessed according to a hierarchy instead of organized according to a file hierarchy. Applicants believe that this amendment should be entered for at least the reason that it helps clarify the invention and that the amended claim with the change in only two words is allowable for the same reasons as the previously presented claim was found to be allowable by the Examiner. Further, the claim is patentable over the art of record for at least the reason that Grewe doesn't teach or suggest displaying categories or subcategories in a display screen.

Dependent claim 35 has been amended to overcome any problems as to explicit antecedent basis for the phrase "the item accessed" and hence largely deals with informalities. Dependent claims 37, 38, and 39 are new claims, all of which are dependent from independent claim 24. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers (35 USC 112.) These claims add a further limitation to independent claim 24 and thus help clarify applicant's invention. Since the added claims are dependant claims, applicants submit that this reason alone strongly supports their entry. In particular, MPEP section 714.16 notes in pertinent part as follows:

"Where claims added by amendment under 37 CFR 1.312 are all of the form of dependant claims, some of the usual reasons for nonentry are less likely to apply."

The dependent claims depend from an allowed independent claim (claim 24) and are therefore patentable for at least the same reason as the independent claim 24. Support for the amendments may be found in the drawings, FIGS. 1,3, 7, 10-11, their associated descriptions, and throughout the specification, in particular the abstract and page 8. They

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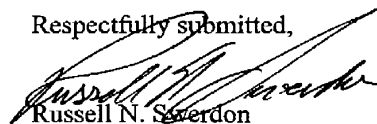
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add no new matter. The amendments to claim 35 had not been submitted previously because the lack of proper antecedent basis for the terms used had not been noticed previously. Allowed claims 24-36 had first been presented in the amendment recently filed on April 30, 2004 (in response to a restriction requirement) and thus had not been previously involved in any discussions or communications between the examiner and applicants. Applicants submit that the amendments to add dependent claims 37-39 are proper to help clarify and disclose applicant's invention.

### Conclusion

Applicants believe that entry of the amendment is proper and respectfully request that the application not be withdrawn from issue. Applicants respectfully request that the primary examiner recommend entry of the amendment as provided by the guidelines set forth in MPEP Section 714.16(a), including the claim amendments discussed above and the entry of replacement formal drawings, FIGS. 9-13, as discussed in the drawings amendment section. Applicants believe that consideration of the matters presented herein will not require any substantial amount of additional work on the part of the Office and are needed for proper disclosure of the invention. 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.

Respectfully submitted,



Russell N. Szwedon  
Registration No. 36,943

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
(408) 428-6600

USSN: 09/755,723

7

Atty Dkt No.: 6407P212

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**Amendments to the Drawings:**

Five sheets of Replacement Drawings for Figures 9-13 are attached. These are formal drawings submitted to replace the informal drawings submitted and entered with the April 30 amendment. Inasmuch as the previously submitted informal drawings include handwritten reference numbers and grayscale sectioning that may be unsuitable for publication, applicants request entry of the formal drawings attached.

ATTACHMENT: 5 sheets of formal drawings

USSN: 09/755,723

5

Atty Dkt No.: 6407P212

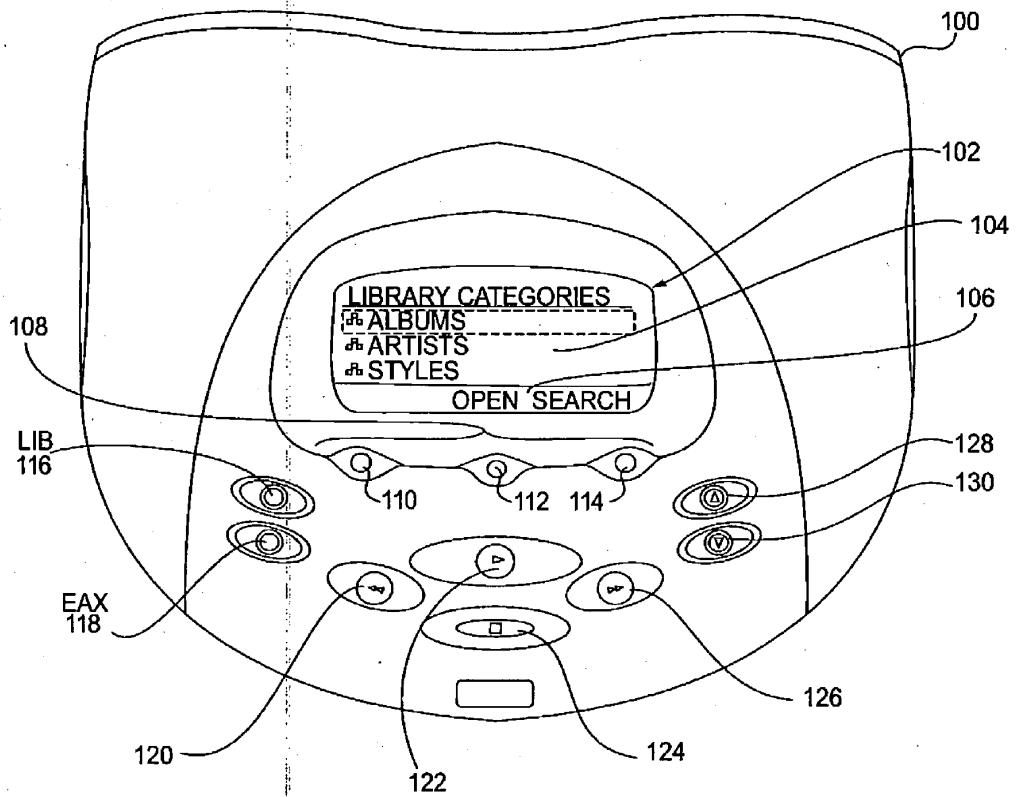


FIG. 9

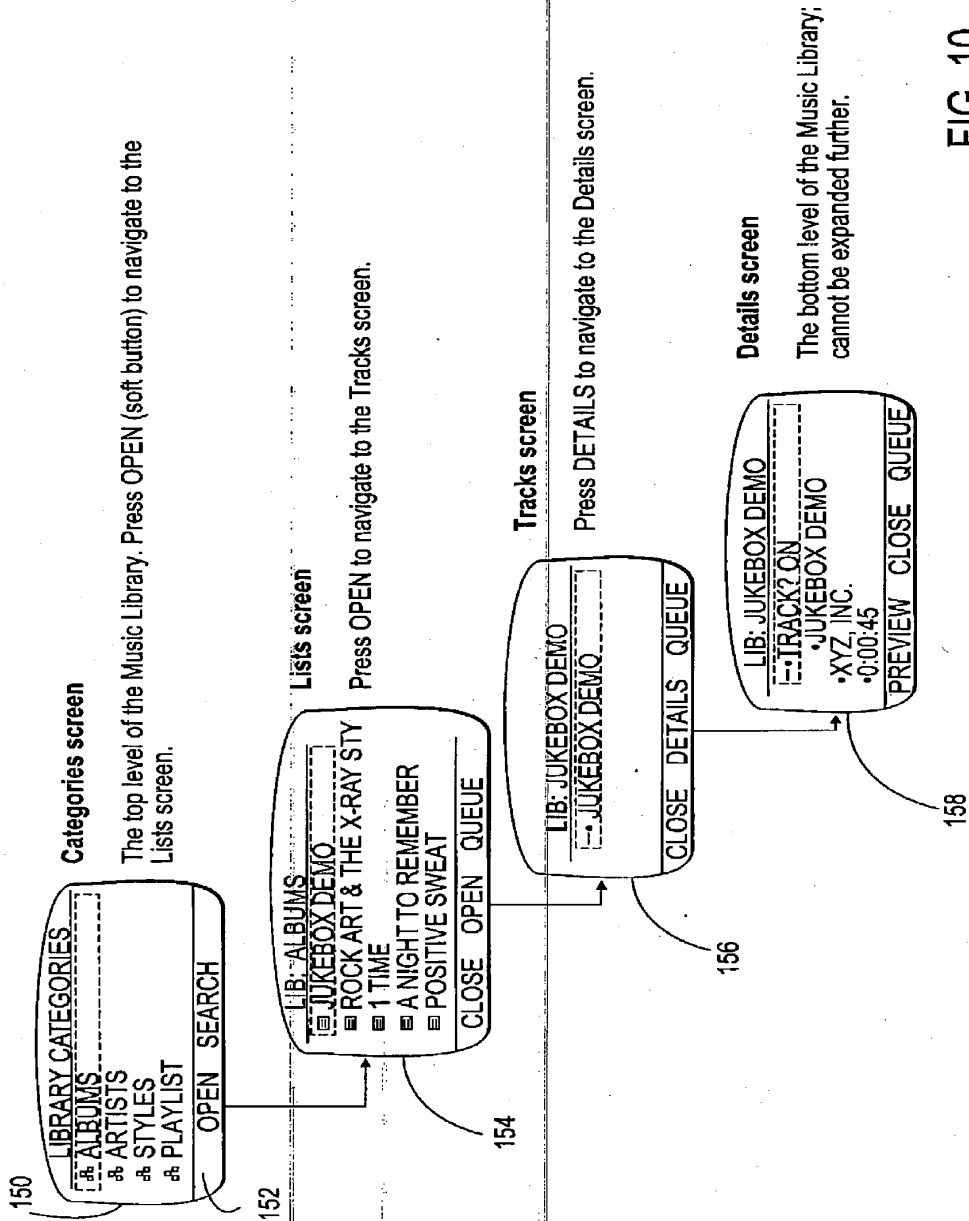


FIG. 10



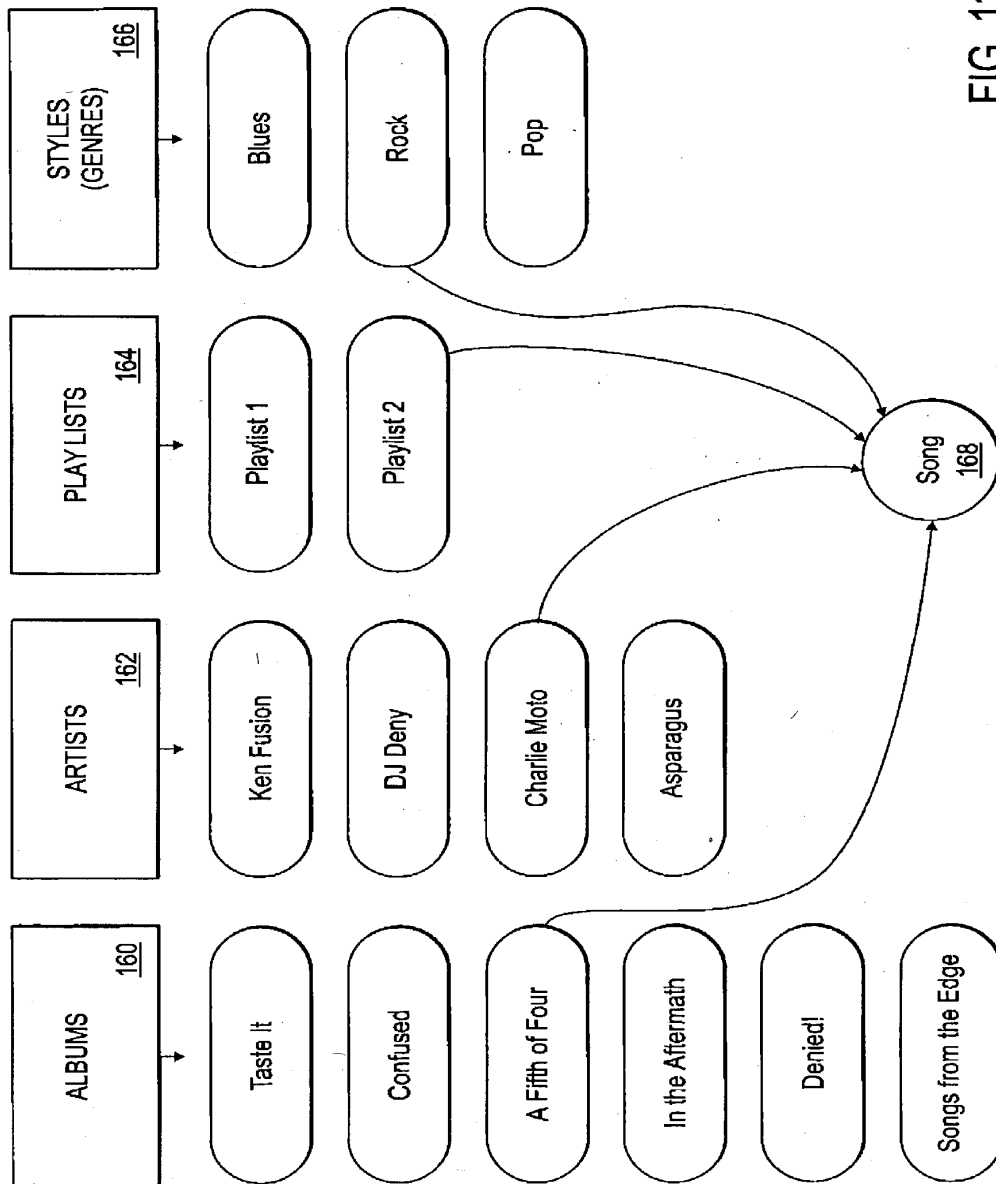


FIG. 11

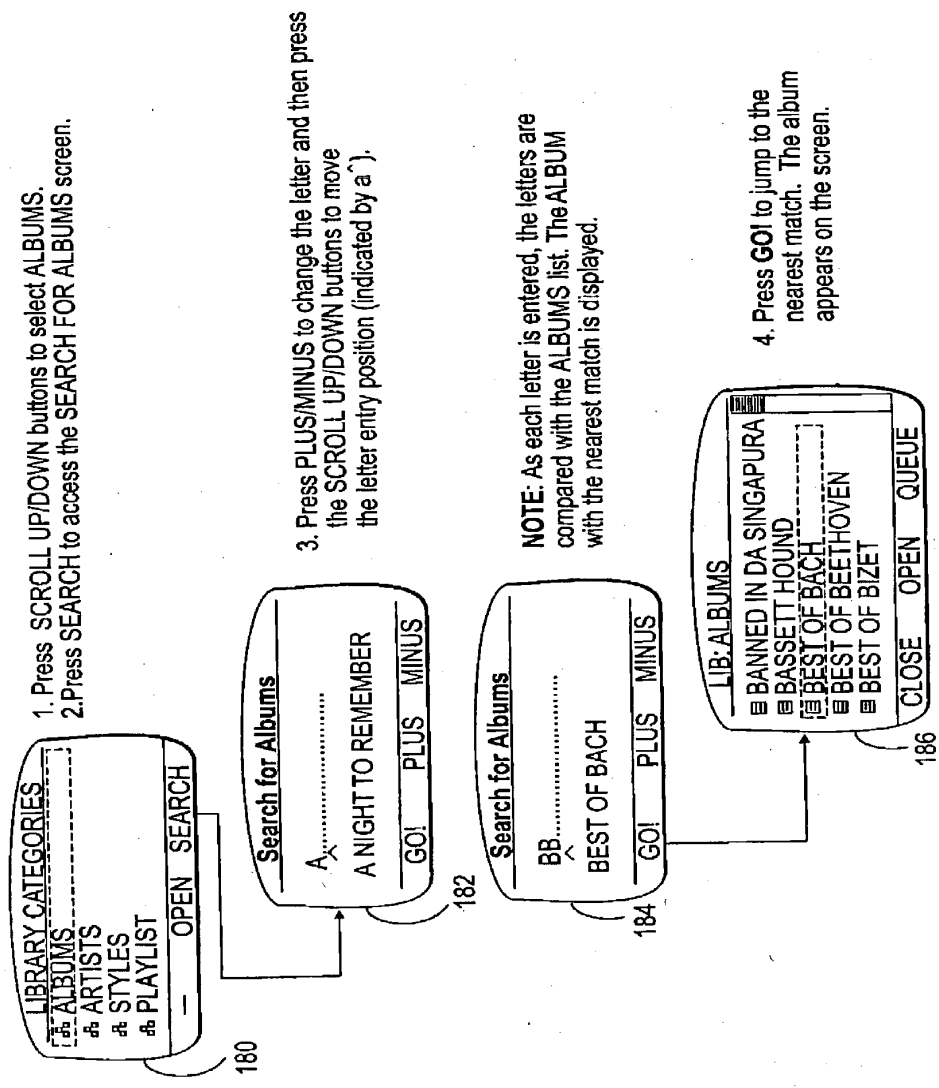


FIG. 12

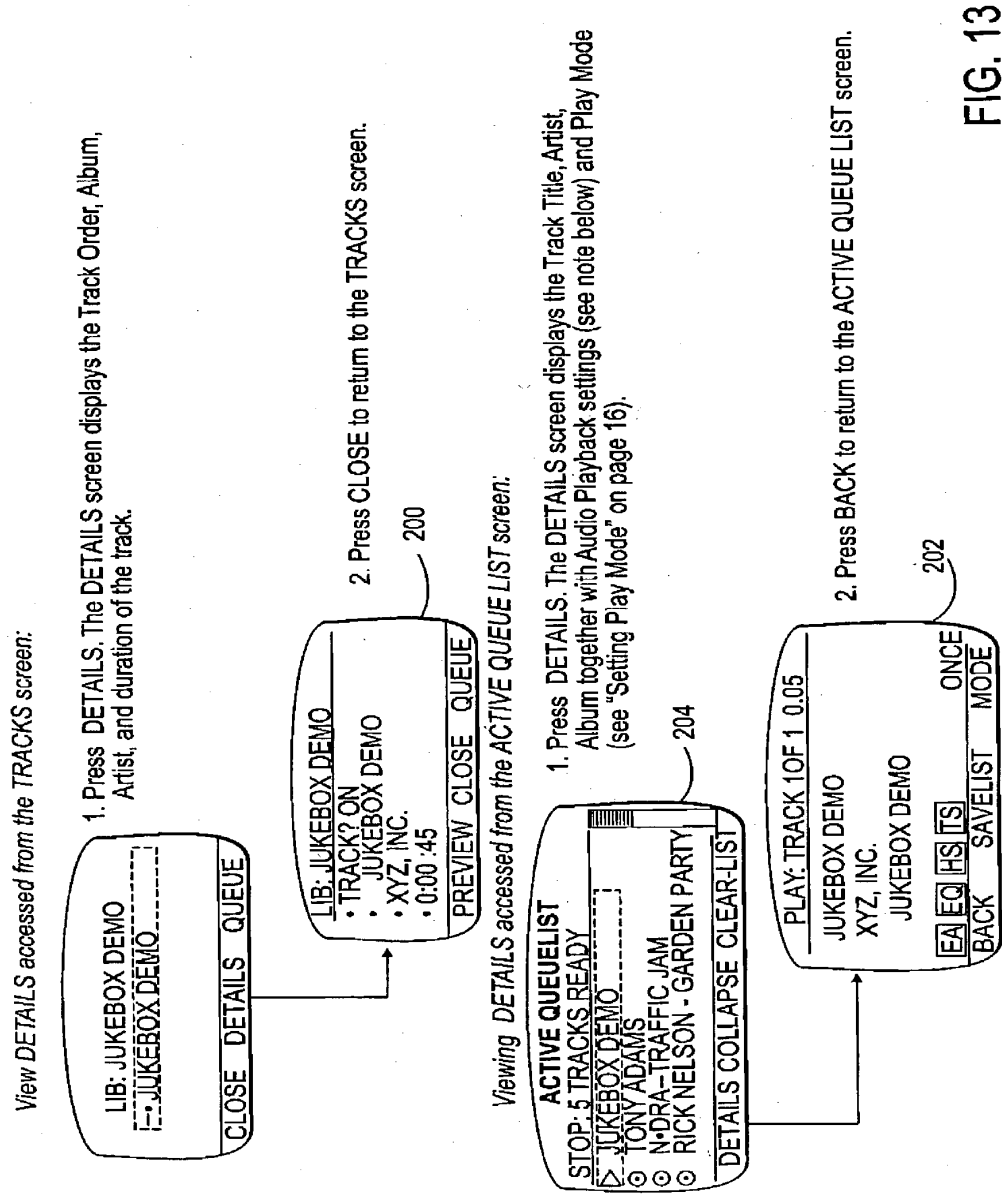


FIG. 13

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9/10/04  
A.L.  
(ALB)

PH

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Drawings  
will be  
filed  
separately

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

**PATENT**

In re application of: Goodman, et al

Attorney Docket No.:  
6407P212

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Application No.: 09/755,723

Examiner: Rones, Charles L.

JUL 27 2004

Filed: January 5, 2001

Group: 2175

OFFICIAL

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

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (FAX No. (703) 872-9306 on July 27, 2004.

Signed: Cynthia K. Dawn  
Cynthia K. Dawn

**Amendment After Notice of Allowance, pursuant to 37 CFR 1.312**

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

Dear Sir:

The enclosed remarks and amendments are submitted under the provisions of 37 CFR 1.312. This amendment is filed on or before the date the issue fee is paid. 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 6 of this paper. Formal drawings are also attached to replace several informal drawings in the drawing package previously submitted.

USSN: 09/755,723

1

Atty Dkt No.: 6407P212

**Match and Return**

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Listing of Claims:

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

1-23. (cancelled)

<sup>1</sup>  
24. (currently amended) 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 ~~organized~~ according to a ~~file~~ hierarchy, the ~~file~~ 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.

<sup>2</sup>  
25. (previously presented) The method of selecting a track as recited in claim <sup>1</sup>24 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.

<sup>3</sup>  
26. (previously presented) The method of selecting a track as recited in claim <sup>1</sup>24 wherein the accessing at least one track comprises selecting a subcategory and adding the tracks associated with the selected subcategory to a playlist.

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2

Atty Dkt No.: 6407P212

4  
 27. (previously presented) The method of selecting a track as recited in claim 24 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  
 28. (previously presented) The method of selecting a track as recited in claim 24 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  
 29. (previously presented) The method of selecting a track as recited in claim 24 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  
 30. (previously presented) The method of selecting a track as recited in claim 24 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.

E1

8  
 31. (previously presented) The method of selecting a track as recited in claim 24 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  
 32. (previously presented) The method of selecting a track as recited in claim 24 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  
 33. (previously presented) The method of selecting a track as recited in claim 32 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

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third display screen and presenting a listing of tracks associated with the selected album in a fourth sequentially presented display screen.

<sup>11</sup> 34. (previously presented) The method of selecting a track as recited in claim <sup>1</sup>24 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.

<sup>12</sup> 35. (currently amended) The method of selecting a track as recited in claim <sup>1</sup>24 wherein the track is a music track, accessing at least one track comprises accessing a track title ~~the item accessed~~ in the third display screen ~~is a track title~~, and the track is played in response to the access.

E1

<sup>13</sup> 36. (previously presented) The method of selecting a track as recited in claim <sup>1</sup>24 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.

<sup>14</sup> 37. (new) The method of selecting a track as recited in claim <sup>1</sup>24 wherein the category selected in the first display screen is from a top level of the hierarchy.

<sup>15</sup> 38. (new) The method of selecting a track as recited in claim <sup>1</sup>24 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.

<sup>16</sup> 39. (new) The method of selecting a track as recited in claim <sup>1</sup>24 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.

**Amendments to the Drawings:**

Five sheets of Replacement Drawings for Figures 9-13 are attached. These are formal drawings submitted to replace the informal drawings submitted and entered with the April 30 amendment. Inasmuch as the previously submitted informal drawings include handwritten reference numbers and grayscale sectioning that may be unsuitable for publication, applicants request entry of the formal drawings attached.

ATTACHMENT: 5 sheets of formal drawings

USSN: 09/755,723

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Atty Dkt No.: 6407P212



**REMARKS**

The examiner had indicated the allowability of claims 24-36 in a notice of allowance mailed on June 9, 2004. As a result of the amendment filed on or about April 30, only claims 1 and 24-36 had been pending.

Applicants herewith have amended the claims to cancel claim 1. Claim 1 had previously been merely withdrawn, hence the cancellation deals with mere informalities. Independent claim 24 has been amended to identify in the preamble that the plurality of tracks are accessed according to a hierarchy instead of organized according to a file hierarchy. Applicants believe that this amendment should be entered for at least the reason that it helps clarify the invention and that the amended claim with the change in only two words is allowable for the same reasons as the previously presented claim was found to be allowable by the Examiner. Further, the claim is patentable over the art of record for at least the reason that Grewe doesn't teach or suggest displaying categories or subcategories in a display screen.

Dependent claim 35 has been amended to overcome any problems as to explicit antecedent basis for the phrase "the item accessed" and hence largely deals with informalities. Dependent claims 37, 38, and 39 are new claims, all of which are dependent from independent claim 24. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers (35 USC 112.) These claims add a further limitation to independent claim 24 and thus help clarify applicant's invention. Since the added claims are dependant claims, applicants submit that this reason alone strongly supports their entry. In particular, MPEP section 714.16 notes in pertinent part as follows:

"Where claims added by amendment under 37 CFR 1.312 are all of the form of dependant claims, some of the usual reasons for nonentry are less likely to apply."

The dependent claims depend from an allowed independent claim (claim 24) and are therefore patentable for at least the same reason as the independent claim 24. Support for the amendments may be found in the drawings, FIGS. 1,3, 7, 10-11, their associated descriptions, and throughout the specification, in particular the abstract and page 8. They

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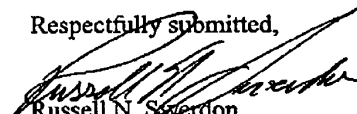
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add no new matter. The amendments to claim 35 had not been submitted previously because the lack of proper antecedent basis for the terms used had not been noticed previously. Allowed claims 24-36 had first been presented in the amendment recently filed on April 30, 2004 (in response to a restriction requirement) and thus had not been previously involved in any discussions or communications between the examiner and applicants. Applicants submit that the amendments to add dependant claims 37-39 are proper to help clarify and disclose applicant's invention.

Conclusion

Applicants believe that entry of the amendment is proper and respectfully request that the application not be withdrawn from issue. Applicants respectfully request that the primary examiner recommend entry of the amendment as provided by the guidelines set forth in MPEP Section 714.16(a), including the claim amendments discussed above and the entry of replacement formal drawings, FIGS. 9-13, as discussed in the drawings amendment section. Applicants believe that consideration of the matters presented herein will not require any substantial amount of additional work on the part of the Office and are needed for proper disclosure of the invention. 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.

Respectfully submitted,



Russell N. Sverdon  
Registration No. 36,943

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
(408) 428-6600

USSN: 09/755,723

7

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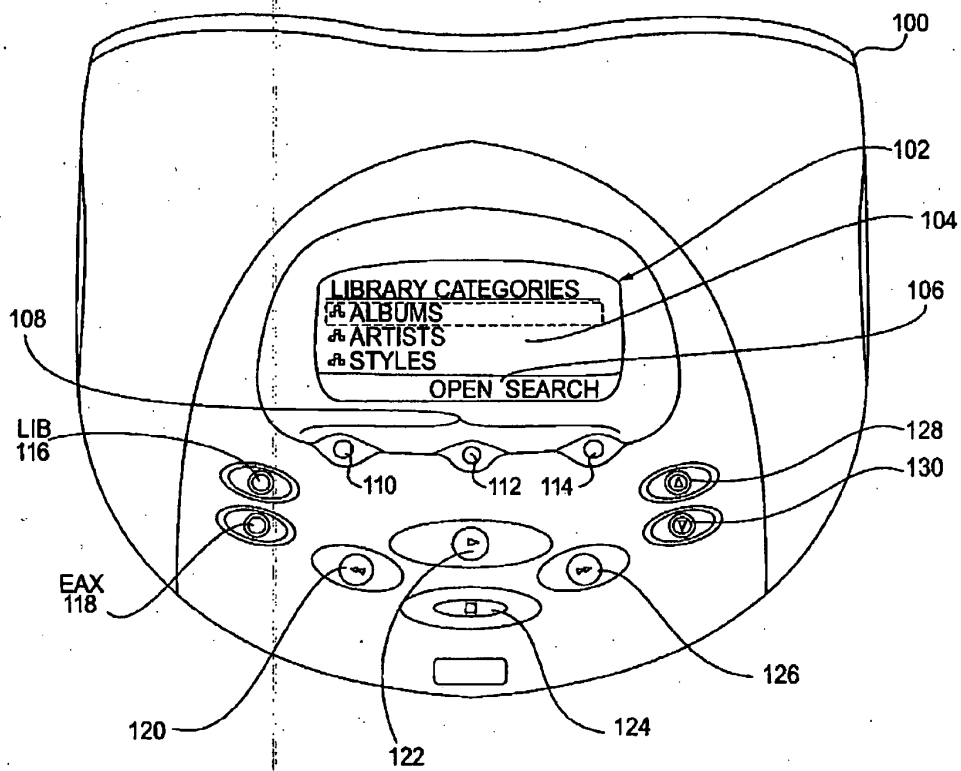


FIG. 9

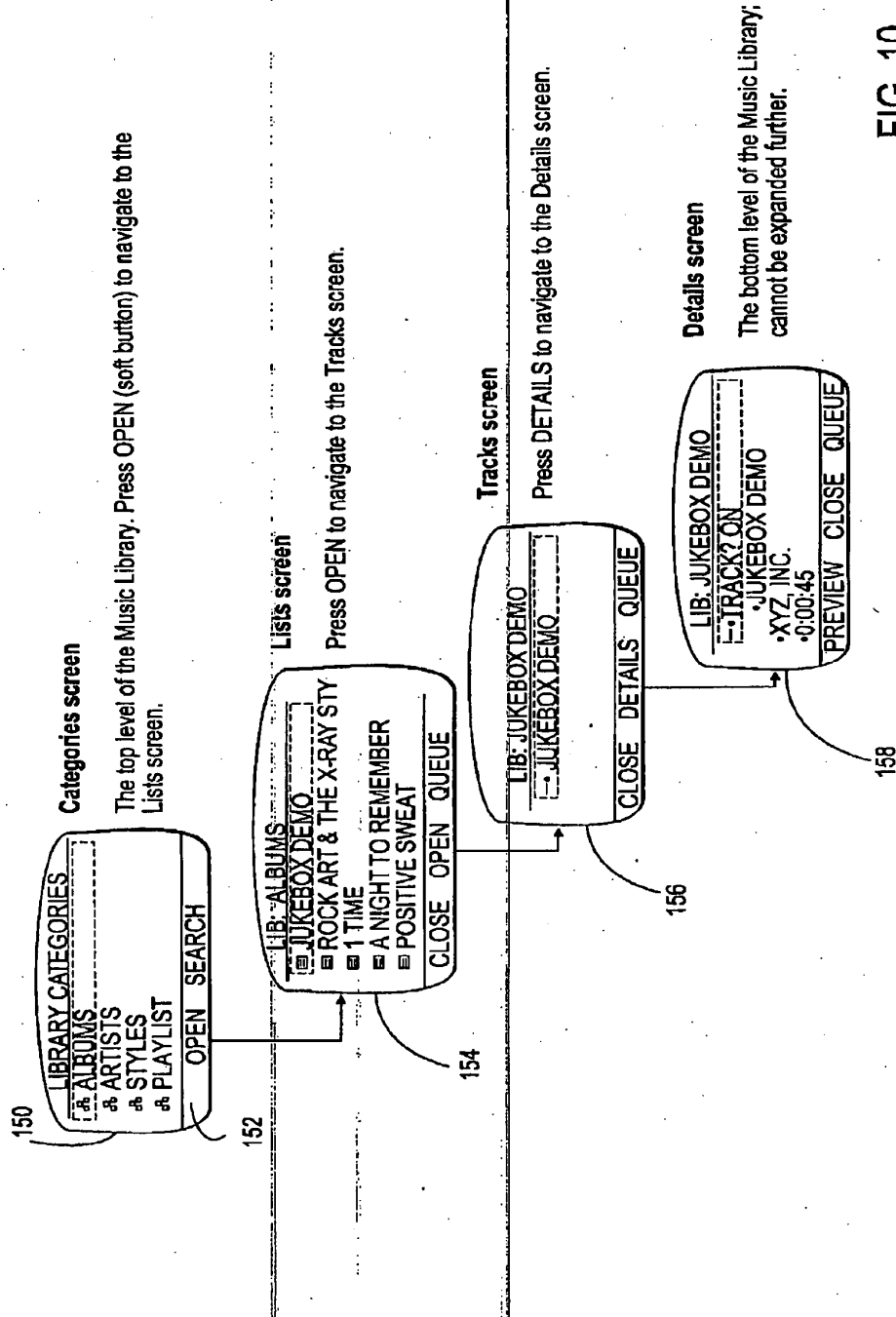


FIG. 10

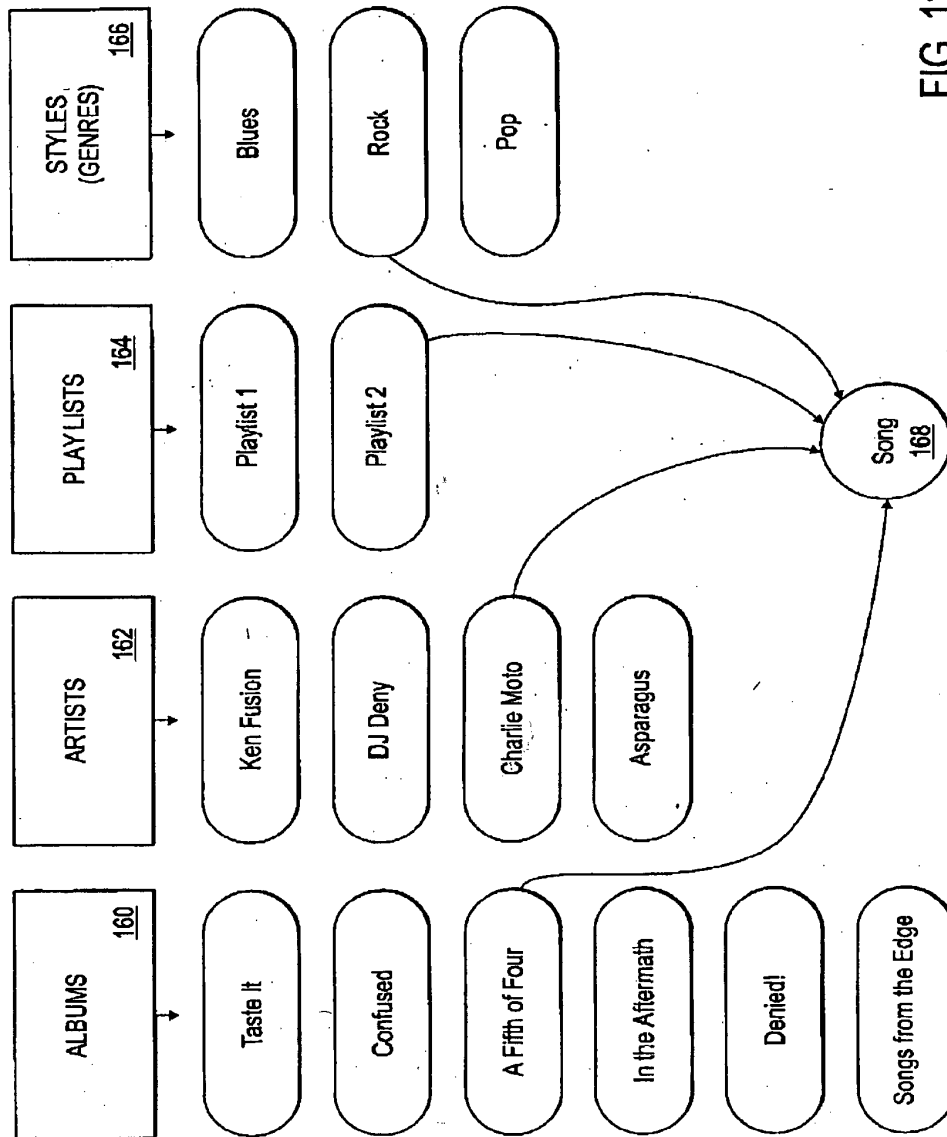


FIG. 11

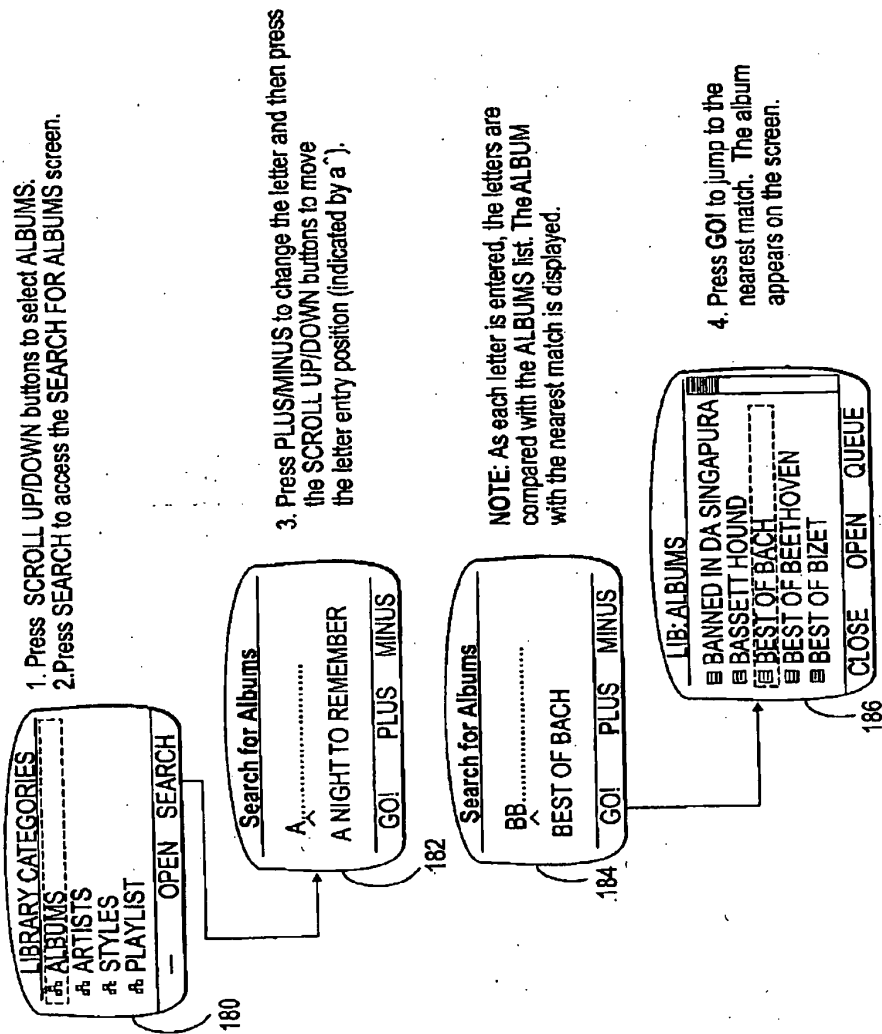
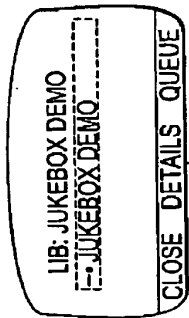
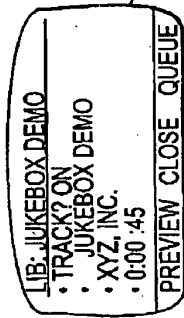


FIG. 12

View DETAILS accessed from the TRACKS screen:

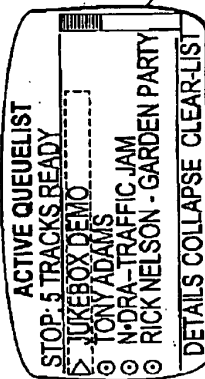


1. Press DETAILS. The DETAILS screen displays the Track Order, Album, Artist, and duration of the track.

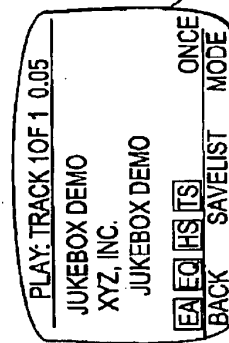


2. Press CLOSE to return to the TRACKS screen.

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



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08791 7590 06/09/2004

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Cynthia K. Dawn (Depositor's name)  
Cynthia K. Dawn (Signature)  
August 12, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

TITLE OF INVENTION: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	09/09/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
RONES, CHARLES	2175	707-104100

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

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

1 Russell N. Swerdon  
2 Creative Technology LTD  
3 \_\_\_\_\_

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

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(A) NAME OF ASSIGNEE: Creative Technology LTD  
(B) RESIDENCE: (CITY and STATE OR COUNTRY): Singapore

Please check the appropriate assignee category or categories (will not be printed on the patent);  individual  corporation or other private group entity  government

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(Authorized Signature) Russell N. Swerdon (Date) Aug. 12, 2004  
Russell N. Swerdon, Reg. No. 36,943

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By: Cynthia K. Dawn

Typed Name: Cynthia K. Dawn

Express Mail Label No.: EV347886201US

Date of Deposit: August 12, 2004



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	Filing Date	1/5/2001
	First Named Inventor	GOODMAN et al.
	Art Unit	2175
	Examiner Name	Rones, Charles
	Attorney Docket Number	6407P212

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

OR

I hereby appoint the practitioners associated with the Customer Number:

Please change the correspondence address for the above-identified application to:

The address associated with Customer Number:

OR

Firm or Individual Name

Address

Address

City State Zip

Country

Telephone Fax

I am the:

Applicant/Inventor.

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

**SIGNATURE of Applicant or Assignee of Record**

Name Chon Hock Leow

Signature

Date 7/6/04 Telephone (408) 428-6600

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

\*Total of 1 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: CREATIVE TECHNOLOGY LTD.

Application No./Patent No.: 09/755,723 Filed/Issue Date: 1/5/2001

Entitled: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

CREATIVE TECHNOLOGY LTD., a CORPORATION

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 011788/0174, or for which a copy thereof is attached.

OR

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

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

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

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

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

7/6/04  
Date  
(408) 428-6600  
Telephone number

CHON HOCK LEOW  
Typed or printed name  
  
Signature  
CHIEF TECHNOLOGY OFFICER  
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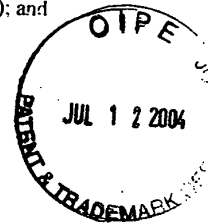
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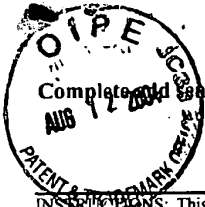
Application Serial No.: 09/755,723  
Title: AUTOMATIC HIERARCHICAL CATEGORIZATION OF  
MUSIC BY METADATA  
Attorney Docket No.: 6407P212 (17002-022500US)  
First Named Inventor: GODDMAN

Items enclosed:

1. Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address (1 page);
2. Statement Under 37 CFR 3.73(b) (1 page); and
3. Return Receipt Postcard.

Date Deposited: July 7, 2004





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08791 7590 06/09/2004

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

TITLE OF INVENTION: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

Table with 6 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE, PUBLICATION FEE, TOTAL FEE(S) DUE, DATE DUE

Table with 3 columns: EXAMINER, ART UNIT, CLASS-SUBCLASS

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Russell N. Swerdon, Creative Technology LTD

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(A) NAME OF ASSIGNEE: Creative Technology LTD (B) RESIDENCE: (CITY AND STATE OR COUNTRY): Singapore

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/755,723	01/05/2001	Ron Goodman	017002022500

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SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

CONFIRMATION NO. 3728



\*OC000000013550953\*

#22

Date Mailed: 08/16/2004

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/12/2004.

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

*Allen M Willis*  
 For ALLEN M WILLIS  
 OPPD (-)

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/755,723	01/05/2001	Ron Goodman	017002022500

40032  
CREATIVE LABS, INC.  
LEGAL DEPARTMENT  
1901 MCCARTHY BLVD  
MILPITAS, CA 95035

CONFIRMATION NO. 3728



\*OC000000013550969\*

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Date Mailed: 08/16/2004

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*Timothy Caldwell*  
\_\_\_\_\_  
Allen M Willis  
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FACSIMILE COVER SHEET

To: Examiner Charles Rones  
Art Unit 2175  
US Patent & Trademark Office

From: Russell N. Swerdon

Phone: (408) 546-6417  
Fax: (408) 428-6699  
Mobile: (925) 639-8311  
E-mail: rswerdon@creativelabs.com

Fax: (703) 872-9306

Date: November 10, 2004

Phone: (571) 272-4085

Pages: 1 (including cover sheet)

RE: USSN 09/755,723 filed 1/05/2001, Goodman et al.

Examiner Rones,

This is to confirm the interview to be held on November 16, 2004 at 2:30 pm in the Randolph Building. Please let us know immediately if there are any changes to your schedule, as we are travelling from California.

Regards,

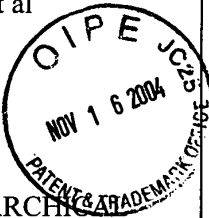


Russell N. Swerdon  
Reg. No. 36,943

CORPORATE FACSIMILE NUMBERS

LEGAL/EXECUTIVE: (408) 428-6699  
Please call (408) 546-6955 or (408) 546-6944 if you experience trouble with this transmission.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): GOODMAN, et al	
Application No.: 09/755,723	
Filed: 1/5/2001	
Title: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA	
Attorney Docket No.: 6407P212	
	Art Unit: 2175
	Examiner: Charles L. RONES

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

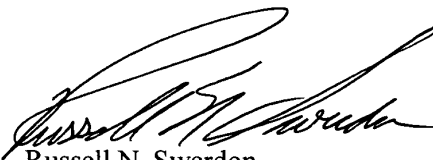
**FORMAL DRAWING TRANSMITTAL LETTER**

Dear Sir:

Enclosed herewith please find five sheets of formal drawings (Figs 9-13) in substitution for the identically numbered formal drawings previously submitted by fax. Applicants were informally notified that several of the formal drawings previously submitted by fax were of poor quality. Please substitute these formal drawings for the corresponding poor quality drawings previously filed.

Entry of these drawings is respectfully requested.

Dated: 11/15/04

  
Russell N. Swerdon  
Reg. No. 36943

1901 McCarthy Boulevard  
Milpitas, CA 95035  
Tel. (408) 546-6104  
Fax (408) 428-6699

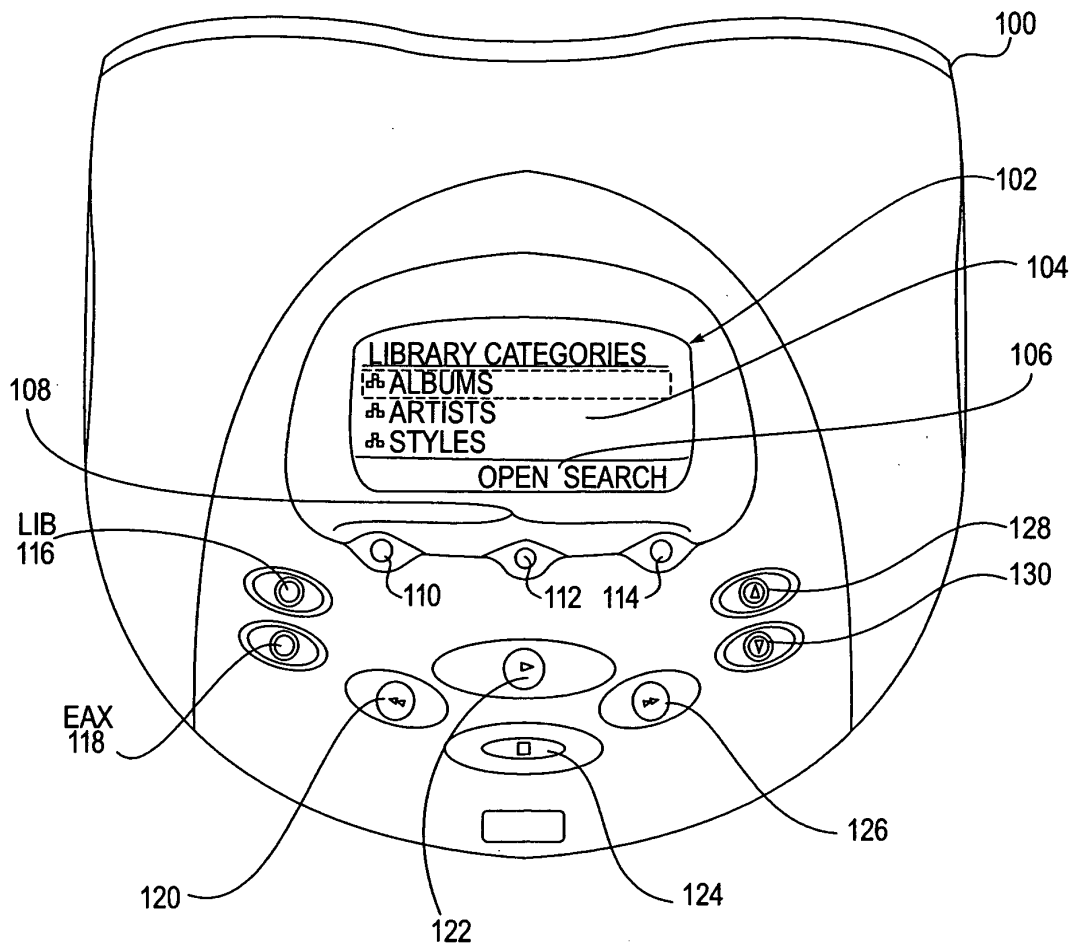


FIG. 9

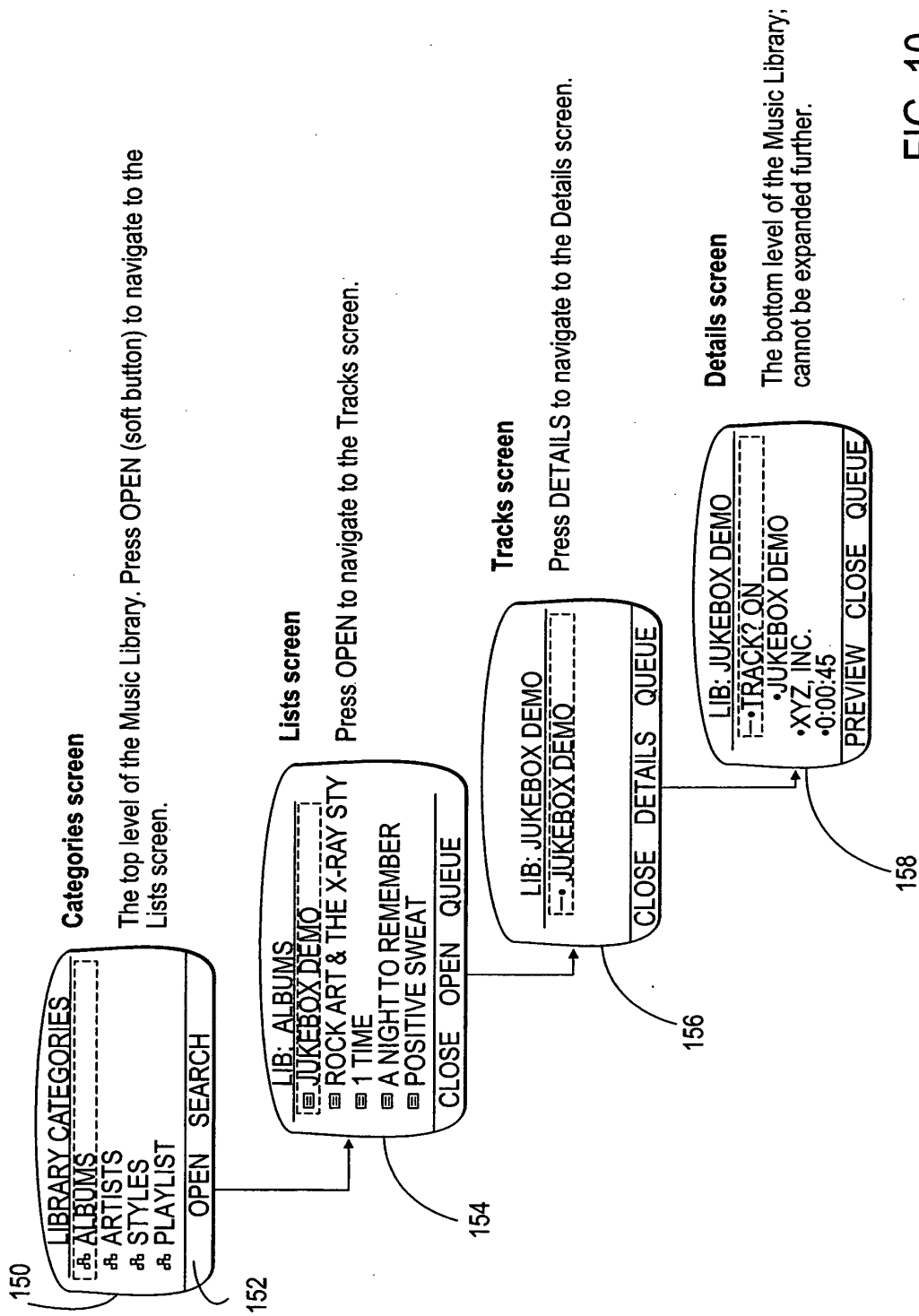


FIG. 10

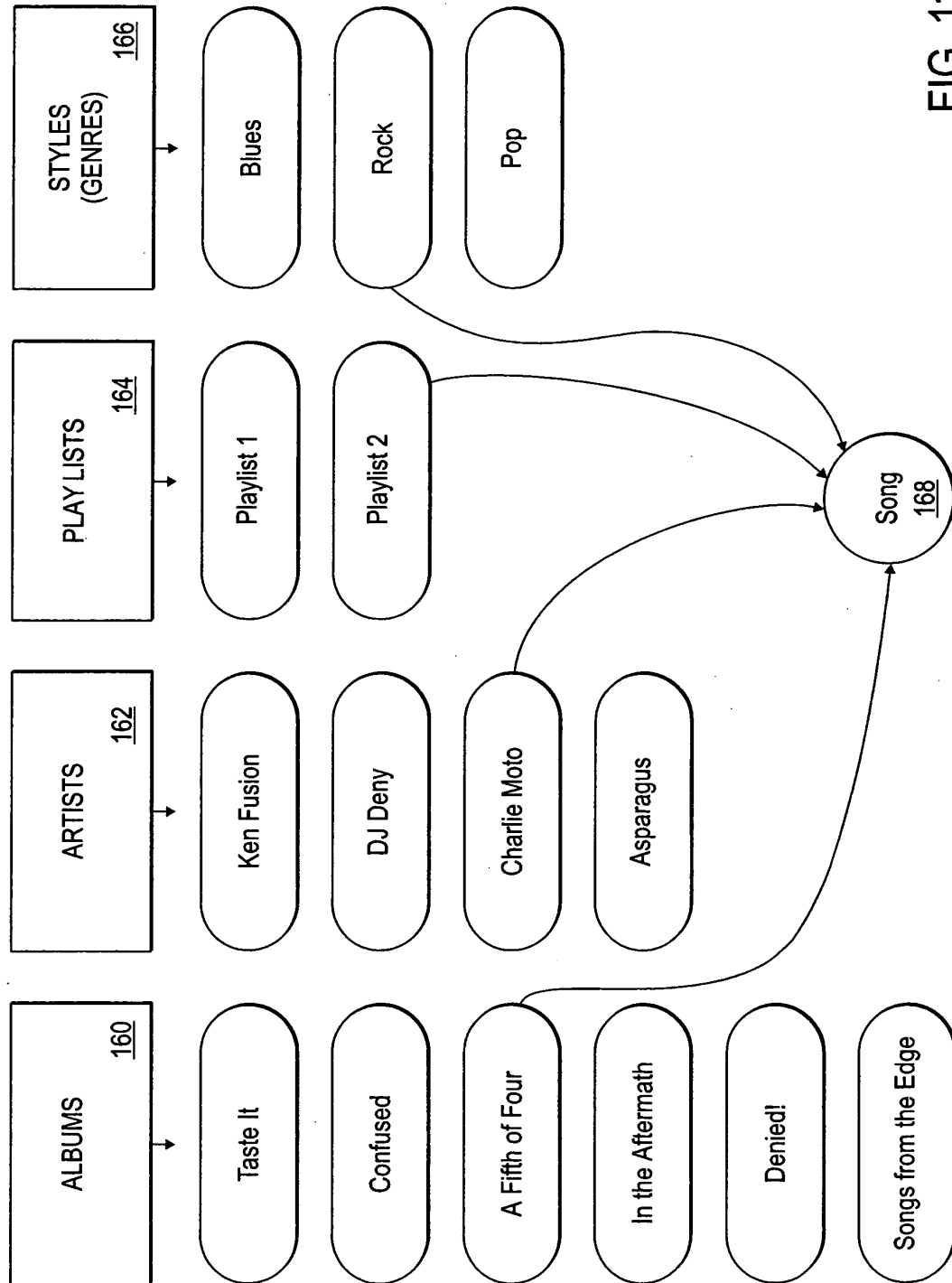
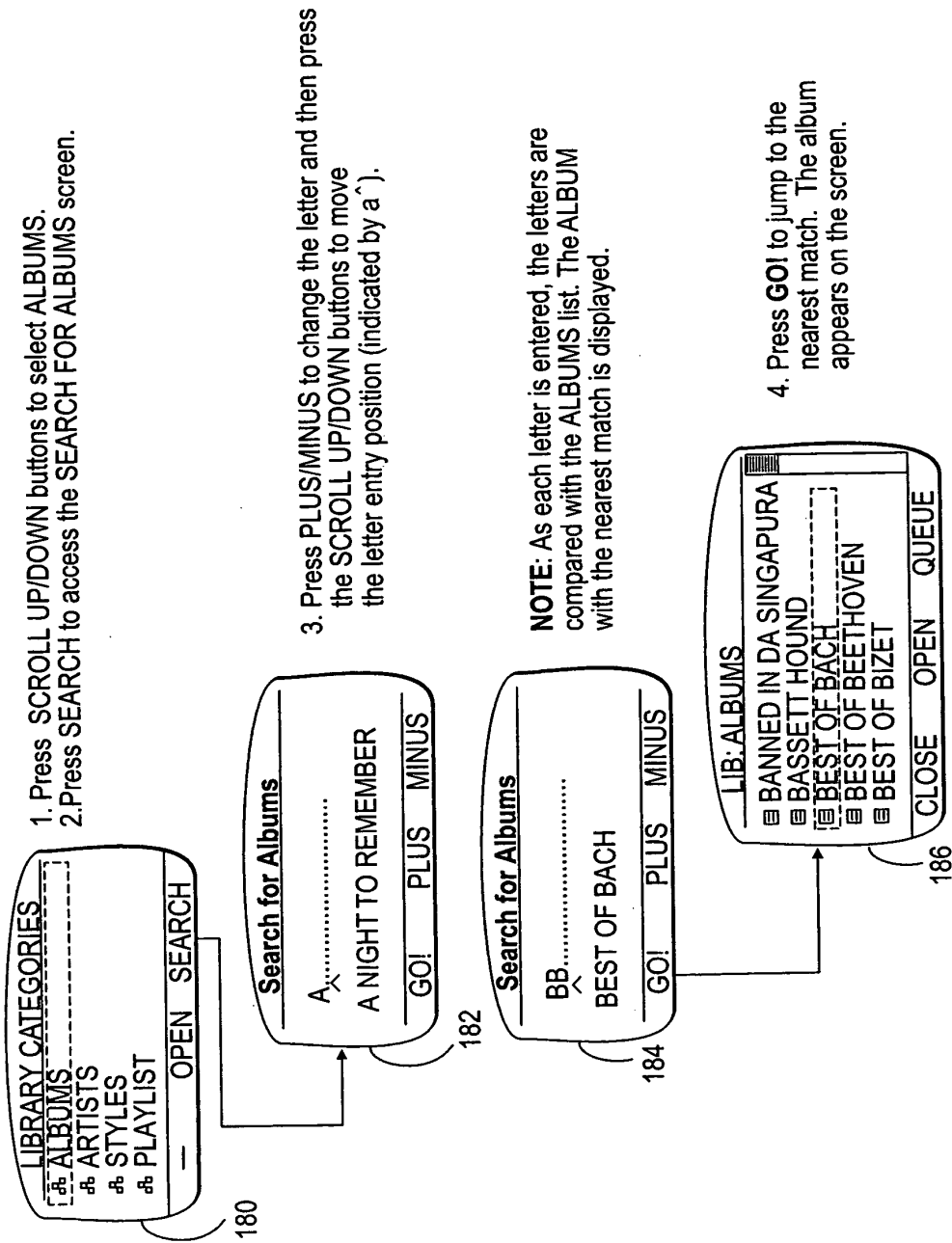


FIG. 11



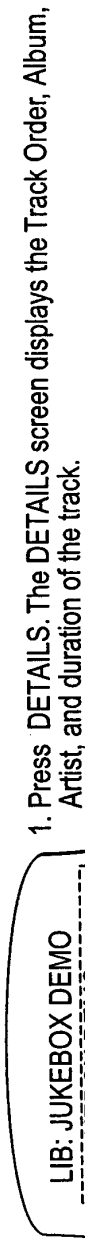
1. Press SCROLL UP/DOWN buttons to select ALBUMS.  
 2. Press SEARCH to access the SEARCH FOR ALBUMS screen.

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 ^).

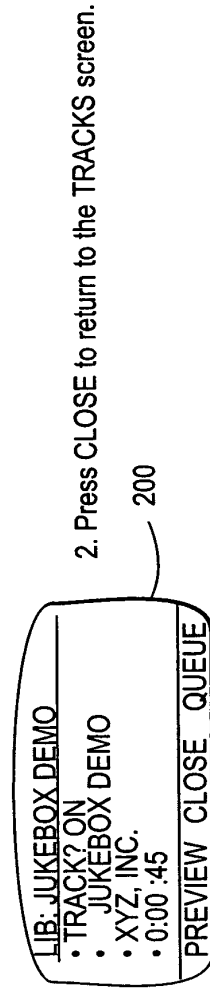
4. Press GO! to jump to the nearest match. The album appears on the screen.

FIG. 12

View DETAILS accessed from the TRACKS screen:

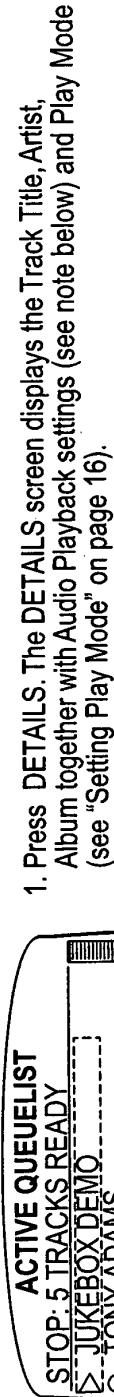


1. Press DETAILS. The DETAILS screen displays the Track Order, Album, Artist, and duration of the track.

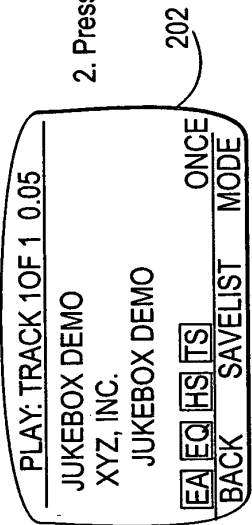


2. Press CLOSE to return to the TRACKS screen.

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



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Goodman, et al

Attorney Docket No.:  
6407P212

Application No.: 09/755,723

Examiner: Rones, Charles L.

Filed: January 5, 2001

Group: 2175

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

Declaration from Practitioner re Amendatory Material

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

I, Russell N. Swerdon, declare as follows:

1. I am the an attorney employed by Creative Labs, Inc. and am one of the attorneys of record for assignee Creative Technology Ltd. with respect to the above entitled patent application. I have reviewed the file in this matter including the application filed on or about Jan. 5, 2001, and the application entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," also filed on Jan. 5, 2001, and assigned application serial number 09/755,629. Based on my review of the records I can make the following statements either based on personal knowledge or upon information and belief.

2. The currently pending application, application serial number 09/755,723, incorporated by reference the application entitled "System for Selecting and Playing Songs in a Playback Device with a Limited User Interface," also filed on Jan. 5, 2001, and assigned application serial number 09/755629.



3. On or about April 30, 2004 a substitute specification was submitted in an amendment filed with the PTO. The amendment also included new drawings, FIGS. 9-14 which were submitted rather than relying upon their previous incorporation by reference. The amendatory material as provided in the substitute specification, included FIGS. 9-14, constitutes the same material incorporated by reference in the referencing application.

4. I hereby declare that all statements made herein of our 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.

Date: 11.16.04

Signature

  
Russell N. Swerdon

Respectfully submitted,

  
Russell N. Swerdon

Registration No. 36,943

Creative Labs, Inc.  
1901 McCarthy Blvd.  
Milpitas, CA 95035  
(408) 428-6600



94

RS

# 27

4-25-05  
TG

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

**PATENT**

In re application of: Goodman, et al

Attorney Docket No.:

Application No.: 09/755,723

6407P212

Filed: January 5, 2001

Examiner: Rones, Charles L.

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Title: **AUTOMATIC HIERARCHICAL  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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USSN: 09/755,723

1

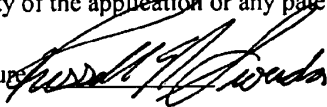
Atty Dkt No.:

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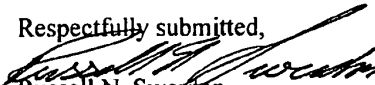
4. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or 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.

Date: 11.16.04

Signature

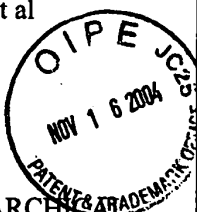
  
Russell N. Swerdon

Respectfully submitted,

  
Russell N. Swerdon  
Registration No. 36,943

Creative Labs, Inc.  
1901 McCarthy Blvd.  
Milpitas, CA 95035  
(408) 428-6600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): GOODMAN, et al	 <i>Approved 3-1-05 CR</i>
Application No.: 09/755,723	
Filed: 1/5/2001	
Title: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA	
Art Unit: 2175	
Attorney Docket No.: 6407P212	Examiner: Charles L. RONES

# 28

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


**FORMAL DRAWING TRANSMITTAL LETTER**

Dear Sir:

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Dated: 11-15-04

  
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1901 McCarthy Boulevard  
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09755723 125

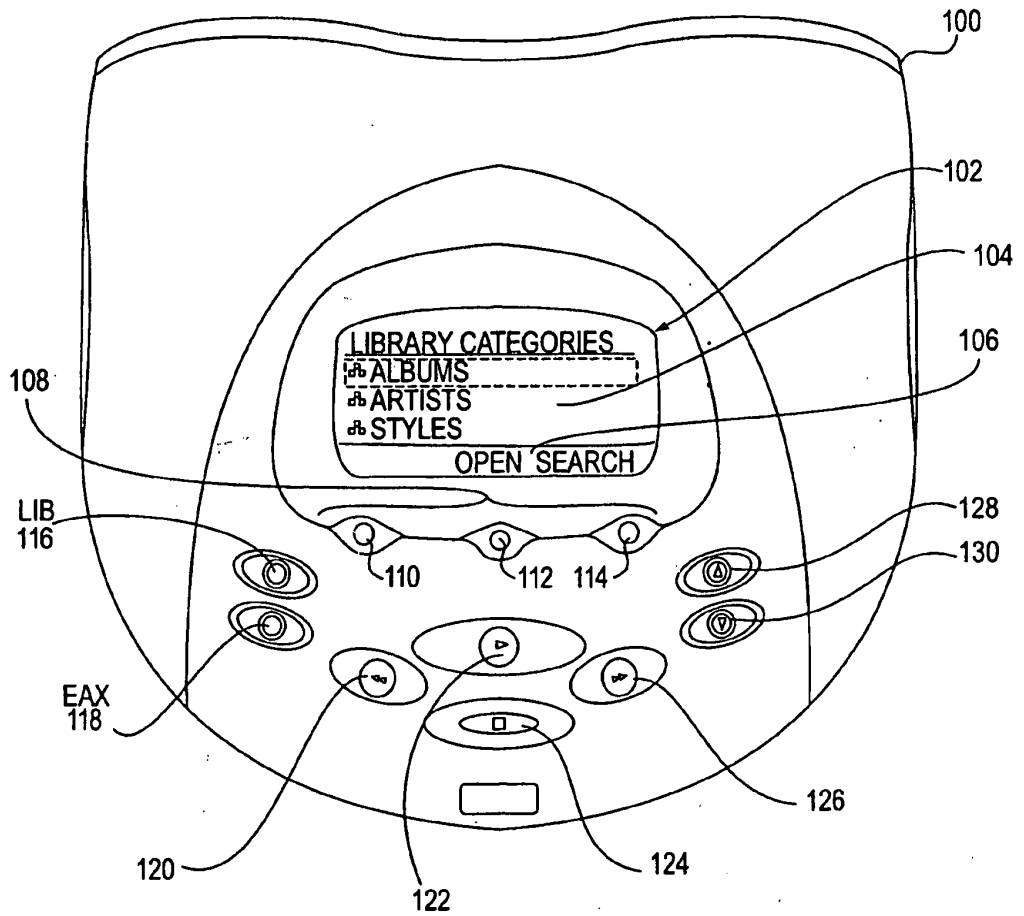


FIG. 9

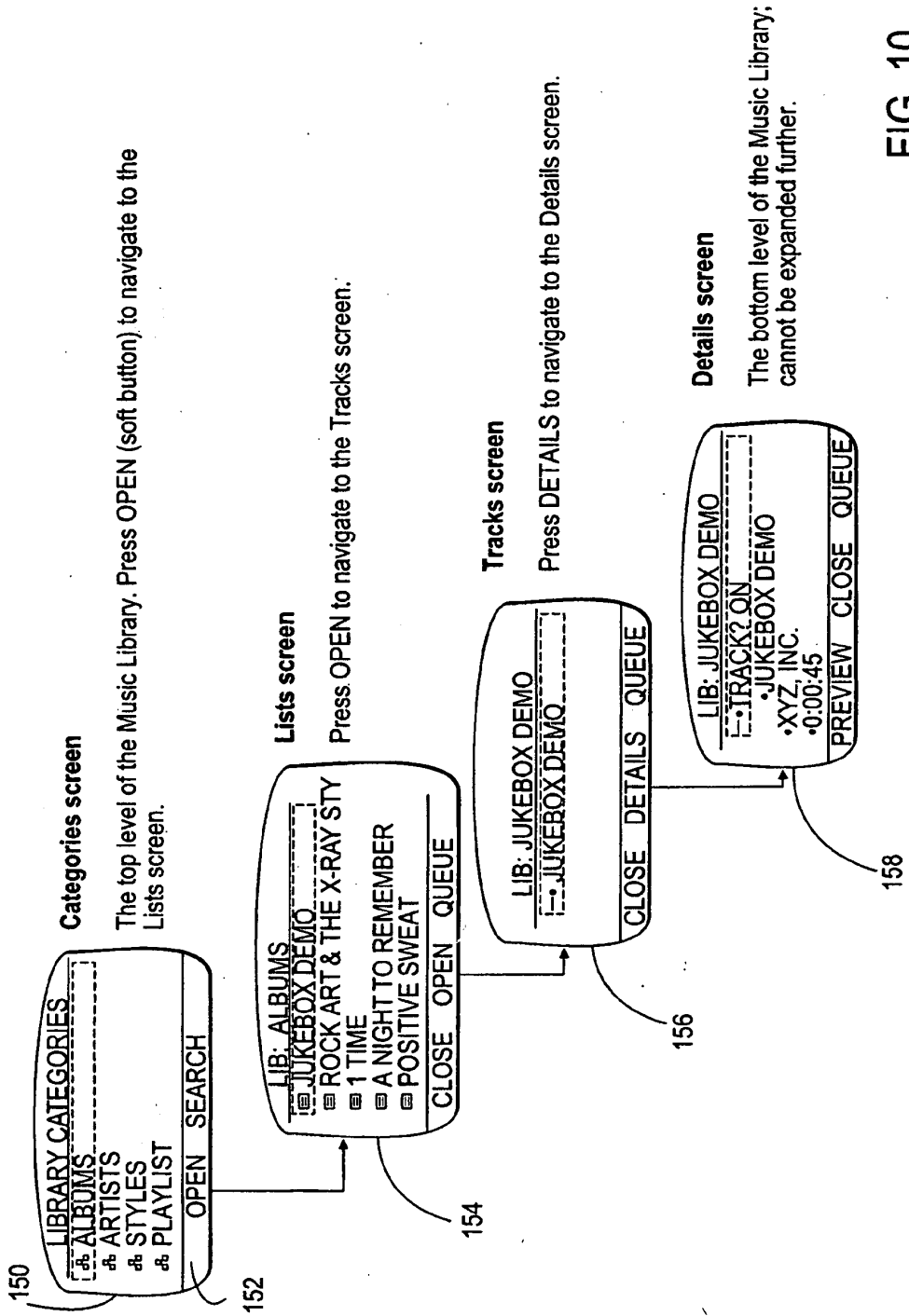


FIG. 10

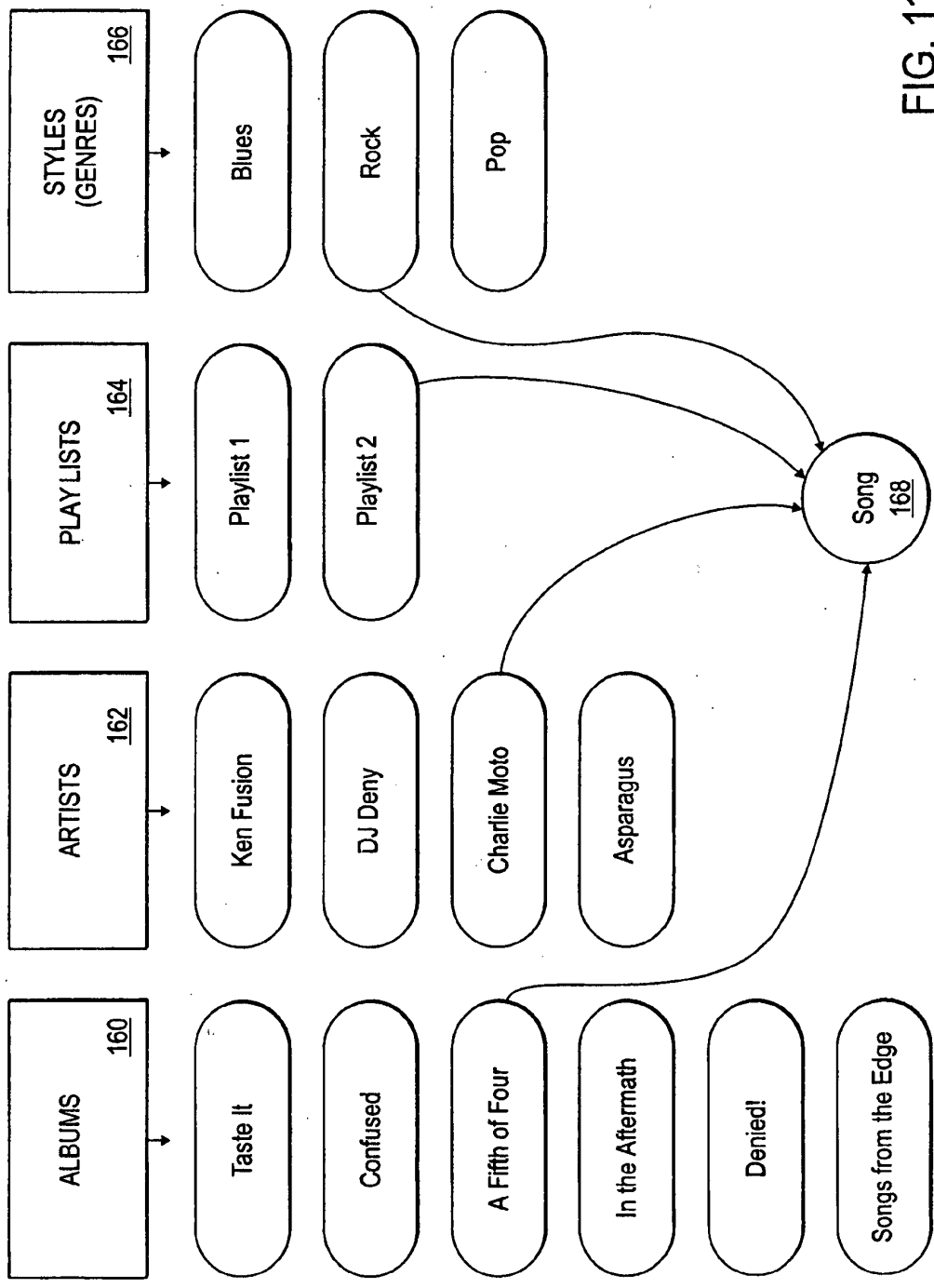


FIG. 11

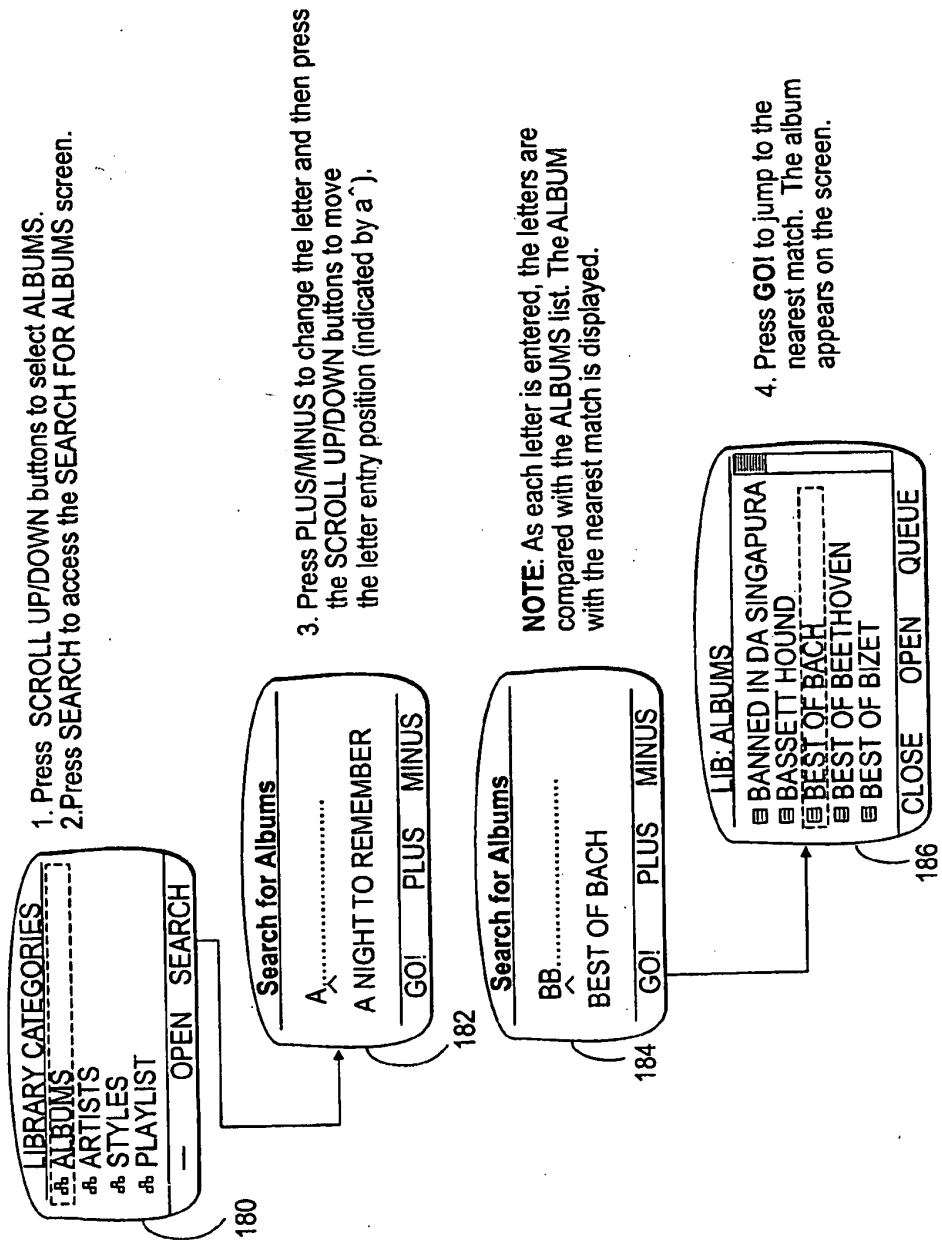
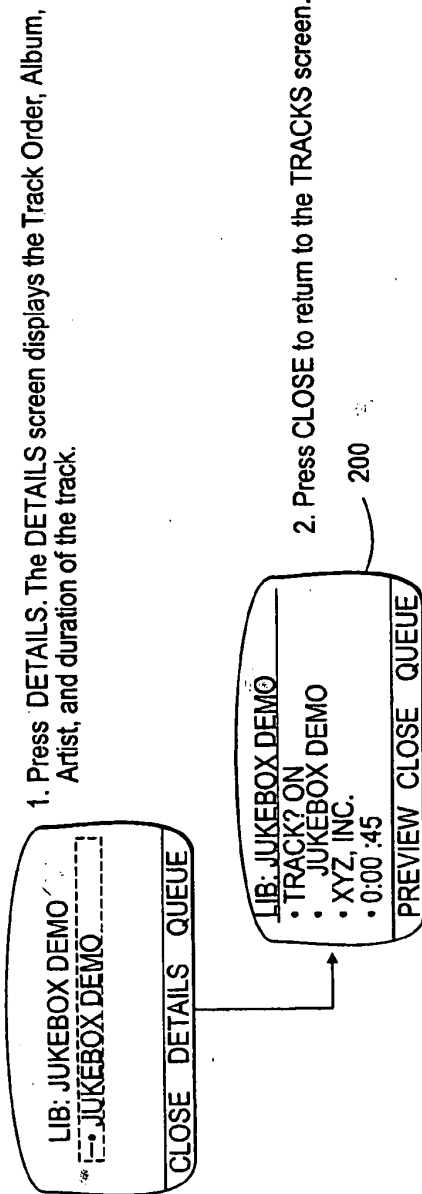


FIG. 12



View DETAILS accessed from the TRACKS screen:



Viewing DETAILS accessed from the ACTIVE-QUEUE LIST screen:

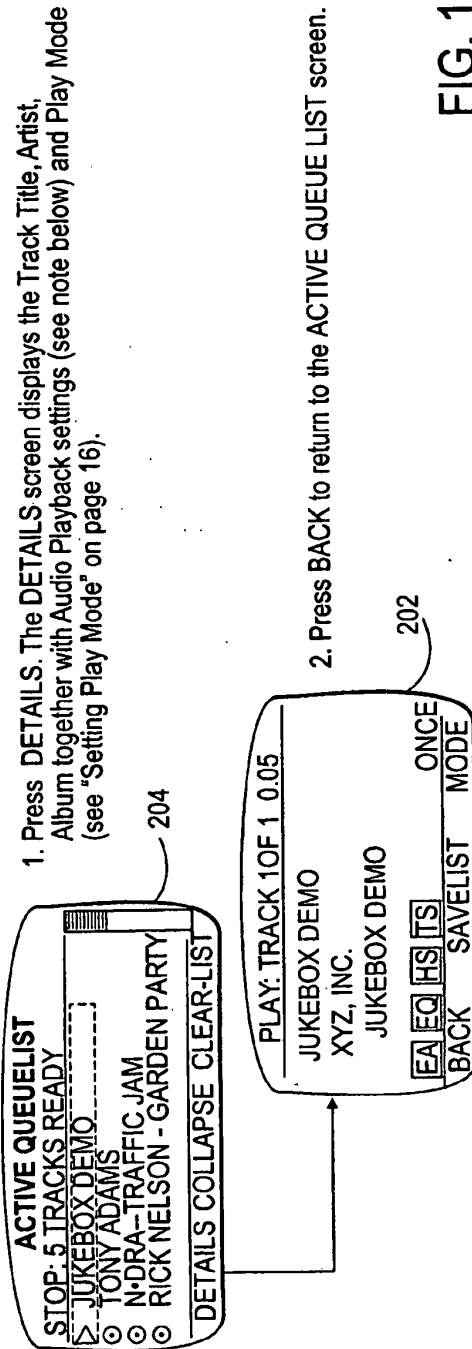


FIG. 13

11-22-04

941 2175



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

**PATENT**

In re application of: Goodman, et al

Attorney Docket No.:

6407P212

Application No.: 09/755,723 ✓

Examiner: Rones, Charles L.

Filed: January 5, 2001

Group: 2175

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

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

**FORMAL DRAWING TRANSMITTAL LETTER**

Sir:

Enclosed herewith please find 1 sheet of formal drawing(s) including FIG. 14. Please substitute this formal drawing for the informal FIG. 14 drawing, originally filed with the amendment (including substitute specification) mailed on or about April 30, 2004.

Please add this sheet to the formal drawing sheets corresponding to FIGS. 1-8 (previously approved) and the recently filed (November 16, 2004) formal drawing sheets pertaining to FIGS. 9-13.

Applicants respectfully request that the Examiner approve entry of this formal drawing. If any others of the formal drawings in the group of Figures 1-14 are not currently approved, then applicants further request that the Examiner approve entry of those drawings.

Respectfully submitted,

Russell N. Swerdon  
Registration No. 36,943

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
(408) 428-6600

**CERTIFICATE OF EXPRESS MAIL (37 C.F.R. § 1.10)**

Express Mail No.: EV 413 048 674 US

Date: 11/19/2004

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to Mail Stop Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Lissa Oros

Date of Deposit: 11/19/04

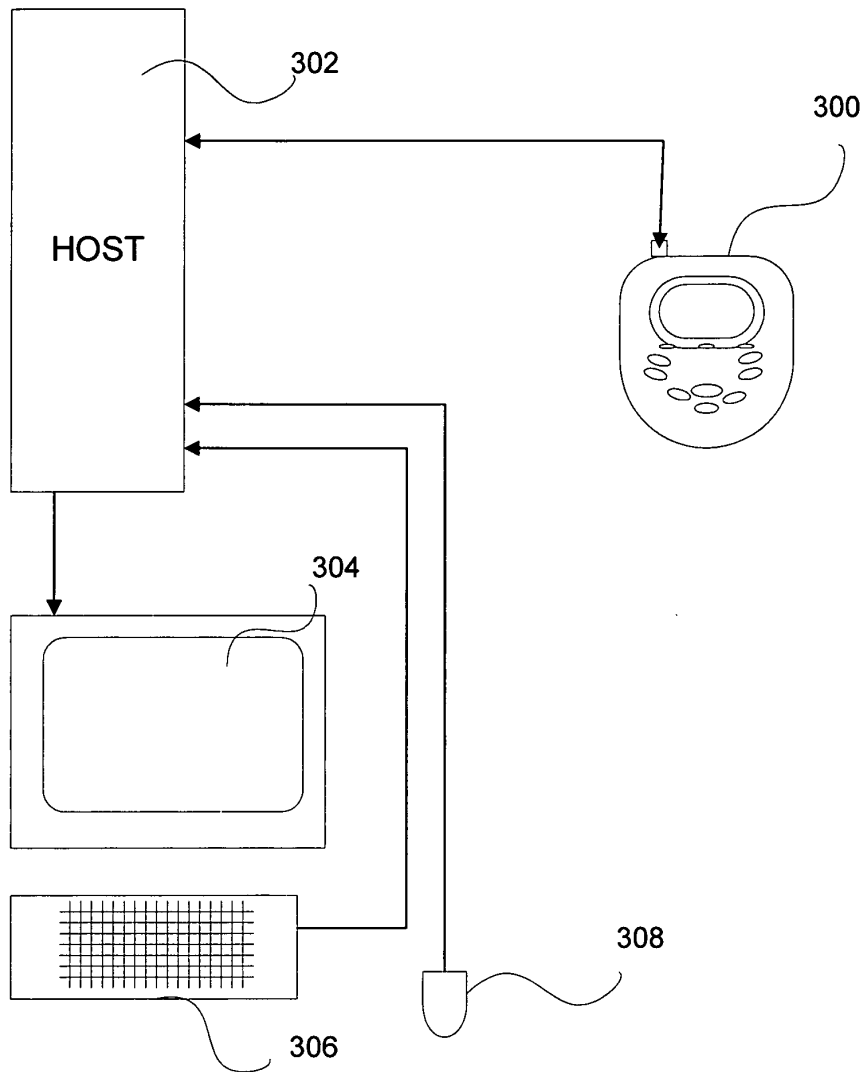
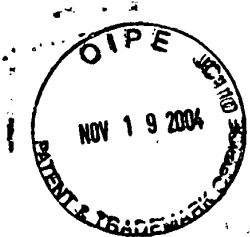
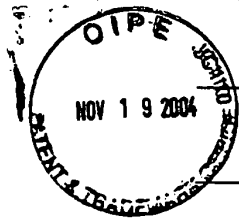


FIG. 14



Approved  
3-1-05 CR

11-22-04

941 2175  
#29

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

**PATENT**

In re application of: Goodman, et al

Attorney Docket No.:

6407P212

Application No.: 09/755,723 ✓

Examiner: Rones, Charles L.

Filed: January 5, 2001

Group: 2175

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

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Alexandria, VA 22313-1450

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Milpitas, CA 95035  
(408) 428-6600

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Express Mail No.: EV 413 048 674 US

Date: 11/19/2004

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Lissa Oros

Date of Deposit: 11/19/04

RS

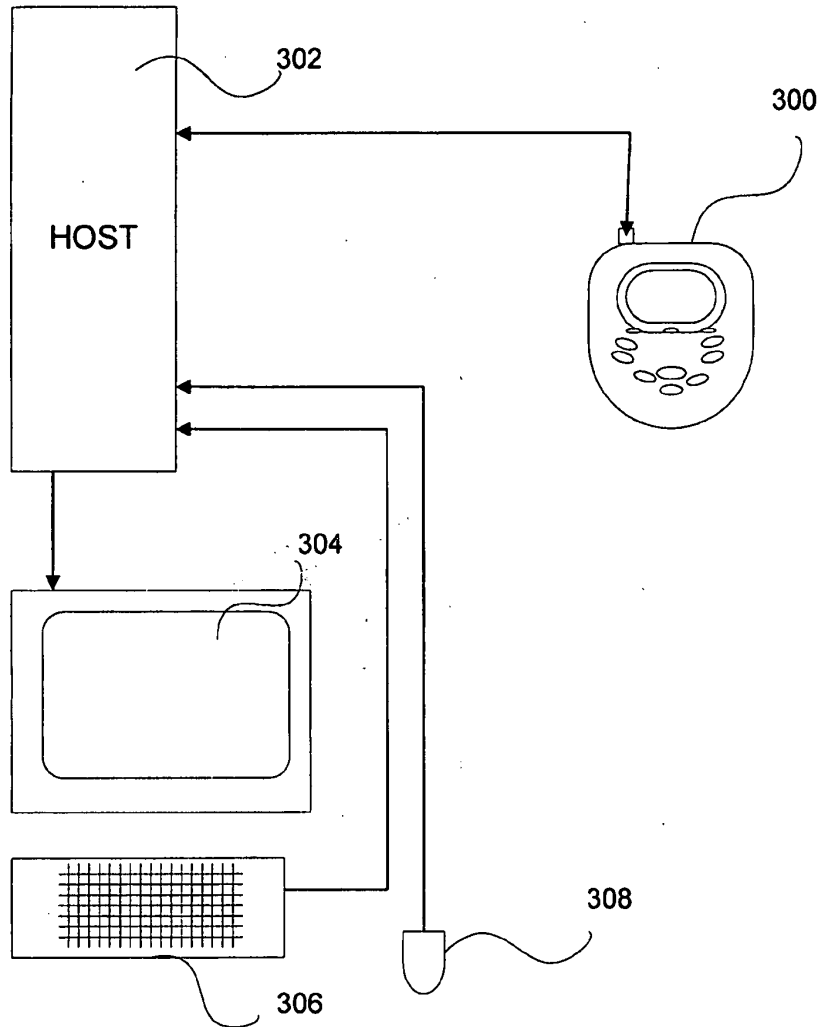


FIG. 14



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

*Handwritten initials*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

40032 7590 02/08/2005  
CREATIVE LABS, INC.  
LEGAL DEPARTMENT  
1901 MCCARTHY BLVD  
MILPITAS, CA 95035

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2164

*Handwritten number 25*

DATE MAILED: 02/08/2005

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

<b>Response to Rule 312 Communication</b>	<b>Application No.</b> 09/755,723	<b>Applicant(s)</b> GOODMAN ET AL.	
	<b>Examiner</b> Charles Rones	<b>Art Unit</b> 2164	

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

1.  The amendment filed on July 27, 2004 under 37 CFR 1.312 has been considered, and has been:
- a)  entered.
  - b)  entered as directed to matters of form not affecting the scope of the invention.
  - c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
  - d)  disapproved. See explanation below.
  - e)  entered in part. See explanation below.

*C. Rones*

Charles Rones  
Primary Examiner  
Art Unit: 2164



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.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728
40032	7590	03/03/2005	EXAMINER	
CREATIVE LABS, INC. LEGAL DEPARTMENT 1901 MCCARTHY BLVD MILPITAS, CA 95035			RONES, CHARLES #26	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 03/03/2005

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



*Supp.*  
**Notice of Allowability**

Application No.	Applicant(s)	
09/755,723	GOODMAN ET AL.	
Examiner	Art Unit	
Charles Rones	2164	

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

1.  This communication is responsive to drawing replacement sheets filed 11-16-04, 11-19-04 and 7-27-04.
2.  The allowed claim(s) is/are 24-39.
3.  The drawings filed on 11-16-04, 11-19-04 and 7-27-04 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All   b)  Some\*   c)  None   of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

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

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

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

**Attachment(s)**


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

*C. Rones*  
Charles Rones  
Primary Examiner  
Art Unit: 2164

**FEE TRANSMITTAL**

Electronic Version v10

Stylesheet Version v10


<b>Title of Invention</b>	Automatic Hierarchical Categorization of Music by Metadata										
Application Number :	09/755723										
Date :	2001-01-05										
First Named Applicant:	Mr. Ron Goodman										
Attorney Docket Number:	017002022500										
Art Unit:	2164										
Examiner :	Mr. Charles Rones										
<b>TOTAL FEE AUTHORIZED \$ 180</b>											
Patent fees are subject to annual revisions on or about October 1st of each year.											
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 50%;">Fee Description</th><th style="width: 15%;">Fee Code</th><th style="width: 15%;">Amount \$</th><th style="width: 20%;">Fee Paid \$</th></tr></thead><tbody><tr><td>Submission Of Information Disclosure Stmt Fee</td><td>1806</td><td>180</td><td>180</td></tr></tbody></table>				Fee Description	Fee Code	Amount \$	Fee Paid \$	Submission Of Information Disclosure Stmt Fee	1806	180	180
Fee Description	Fee Code	Amount \$	Fee Paid \$								
Submission Of Information Disclosure Stmt Fee	1806	180	180								
<b>AUTHORIZED BILLING INFORMATION</b>											
<b>The commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</b>											
Deposit account number:	503302										
Access Code	****										
Deposit name:	Creative Labs, Inc.										
Deposit authorized name:	Mr. Russell Nicholas Swerdon										
Signature:	/russell swerdon/										
Date (YYYYMMDD):	2005-08-08										

# ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

<b>Title of Invention</b>	Automatic Hierarchical Categorization of Music by Metadata
-------------------------------	--

Application Number : 09/755723 

Confirmation Number: 3728

First Named Applicant: Ron Goodman

Attorney Docket Number: 017002022500

Art Unit: 2164

Examiner: Mr. Charles Rones

Search string: ( 5864868 or 5530235 or 5355302 or 5870710 or 6182126 or 5481509 or 5914941 ).pn

## US Patent Documents

**Note: Applicant is not required to submit a paper copy of cited US Patent Documents**

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
	1	5864868	1999-01-26	Contois			
	2	5530235	1996-06-25	Stefik et al.			
	3	5355302	1994-10-11	Martin et al.			
	4	5870710	1999-02-09	Ozawa et al.			
	5	6182126	2001-01-30	Nathan et al.			
	6	5481509	1996-01-02	Knowles			
	7	5914941	1999-06-22	Janky			


## Signature

Examiner Name	Date

**TRANSMITTAL**

Electronic Version v1.1

Stylesheet Version v1.1.0

<b>Title of Invention</b>	Automatic Hierarchical Categorization of Music by Metadata	
Application Number :	09/755723	
Date :	2001-01-05	
First Named Applicant:	Mr. Goodman Ron	
Confirmation Number:	3728	
Attorney Docket Number:	017002022500	
<p>I hereby certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.</p> <p>I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.</p>		
Submitted By:	Elec. Sign.	Sign. Capacity
Mr. Russell Nicholas Swerdon Registered Number: 36,943	/russell swerdon/	Attorney

Documents being submitted:	Files
us-fee-sheet	IDS17002022500-usfees.xml
us-ids	us-fee-sheet.xml us-fee-sheet.dtd IDS17002022500-usidst.xml us-ids.dtd us-ids.xml
<b>Comments</b>	

# ACKNOWLEDGEMENT RECEIPT

Electronic Version 1.1

Stylesheet Version v1.1.1

<b>Title of Invention</b>	Automatic Hierarchical Categorization of Music by Metadata
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Submission Type : Information Disclosure Statement

Application Number:

09/755723



EFS ID:

90083

Server Response:

Confirmation Code	Message
ISVR1	Submission was successfully submitted - Even if Informational or Warning Messages appear below, please do not resubmit this application
ICON1	3728
USPTOEFSNot	For assistance with e-filing a patent application, contact the Patent Electronic Business Center: Toll-Free Number:1 (866) 217-9197 Website: <a href="http://www.uspto.gov/ebc/">http://www.uspto.gov/ebc/</a>

First Named Applicant: Ron Goodman

Attorney Docket Number: 017002022500

Timestamp: 2005-08-08 18:31:02 EDT

From: us

File Listing:

Doc. Name	File Name	Size (Bytes)	Date Produced (yyyymmdd)
us-fee-sheet	IDS17002022500-usfees.xml	1491	2005-08-08
us-fee-sheet	us-fee-sheet.xml	25930	2005-08-08
us-fee-sheet	us-fee-sheet.dtd	11968	2005-08-08
us-ids	IDS17002022500-usidst.xml	1895	2005-08-08
us-ids	us-ids.dtd	7763	2005-08-08
us-ids	us-ids.xml	12026	2005-08-08
package-data	IDS17002022500-pkda.xml	2266	2005-08-08
package-data	package-data.dtd	27025	2005-08-08
package-data	us-package-data.xml	19263	2005-08-08
Total files size		109627	

Message Digest: be8213c005918a481291c895a6955feb0c88efbc

Digital Certificate Holder Name:

cn=Russell Nicholas Swerdon.,ou=Registered Attorneys,ou=Patent and Trademark Office,ou=Department of Commerce,o=U.S. Government,c=US



09/755,723 UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**DATE:** March 20, 2006  
**TO:** Certificates of Correction Branch  
**FROM:** Charles Rones  
SPE, Art Unit 2164  
**SUBJECT:** REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 6,928,433 as specified on the attached Certificate.

A handwritten signature in cursive script that reads "C. Rones".

---

Charles Rones, SPE  
Art Unit 2164

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE**

Patent No. 6,928,433 B2

Patented: August 9, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Ron Goodman, Santa Cruz, CA (US); Howard N. Egan, Capitola, CA (US); David Bristow, Bainbridge Island, WA (US)

Signed and Sealed this Sixteenth Day of May 2006.

Charles Rones  
*Supervisory Patent Examiner*  
Art Unit 2164



**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE**

Patent No. 6,928,433 B2

Patented: August 9, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Ron Goodman, Santa Cruz, CA (US); Howard N. Egan, Capitola, CA (US); David Bristow, Bainbridge Island, WA (US)

Signed and Sealed this Sixteenth Day of May 2006.

Charles Rones  
*Supervisory Patent Examiner*  
Art Unit 2164

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE**

Patent No. 6,928,433  
Patented: August 9, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Ron Goodman, Santa Cruz, California, (US);  
Howard N. Egan, Capitola, California, (US);  
David Bristow, Bainbridge Island, Washington (US).



---

Charles Rones  
Supervisory Patent Examiner  
Art Unit 2164



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.
09/755,723	01/05/2001	Ron Goodman	017002022500	3728

40032 7590 04/11/2006

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

EXAMINER

RONES, CHARLES

ART UNIT PAPER NUMBER

2164

DATE MAILED: 04/11/2006

*Handwritten initials and number 30*

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

<i>In re</i> Patent No. GOODMAN ET AL.	:	
Issue Date: August 9, 2005	:	<b>DECISION GRANTING</b>
Appl No.: 09/755,723	:	<b>PETITION</b>
Filed: January 05, 2001	:	<i>37 CFR 1.324</i>
For: <b>AUTOMATIC HIERARCHICAL</b>	:	
<b>CATEGORIZATION OF MUSIC BY</b>	:	
<b>METADATA</b>	:	
	:	

This is a decision on the petition under 37 CFR 1.48, filed July 9, 2004. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Charles Rones  
Supervisory Patent Examiner  
Art Unit 2164  
Patent Examining Group 2100

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

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
Certificate

Patent No. 6,928,433 B2

Patented: August 9, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Ron Goodman, Santa Cruz, CA (US); Howard N. Egan, Capitola, CA (US); and David Bristow, Bainbridge Island, WA (US).

Signed and Sealed this Sixteenth Day of May 2006.

**CHARLES RONES**  
*Supervisory Patent Examiner*  
Art Unit 2164



**Patent No. 6,928,433**

**NOTICE OF *INTER PARTES* REEXAMINATION**

Notice is hereby given that a request for *inter partes* reexamination of U.S. Patent No. **6,928,433** was filed on **12/01/2009** under 35 U.S.C. § 311 and 37 C.F.R. § 1.913.

The reexamination proceeding has been assigned Control No. **95/001,274**.

This Notice incorporates by reference into the patent file, all papers entered into the reexamination file.

**Note: This Notice should be entered into the patent file.**

**GENERAL POWER OF ATTORNEY TO PROSECUTE APPLICATIONS AND  
REEXAMINATION PROCEEDINGS BEFORE THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

I hereby appoint:

Practitioners associated with the Customer Number

**22850**

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

Please change the correspondence address for the application or reexamination proceeding identified in the attached statement under 37 CFR 3.73(b) to the address associated with Customer Number **22850**.

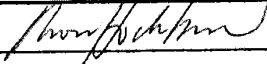
Assignee Name and Address:

CREATIVE TECHNOLOGY LTD  
31 International Business Park  
Creative Resources  
Singapore 609921  
Singapore

**A statement under 37 CFR 3.73(b) is attached.**

**SIGNATURE OF ASSIGNEE OF RECORD**

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

Signature		Date: <i>May 1<sup>st</sup> 2012</i>
Name	Chon Hock Leow	Telephone: 408-432-6700
Title	Chief Technology Officer	

OBLON, SPIVAK McCLELLAND, MAIER & NEUSTADT, L.L.P. [07/2009]

Copied from 95001274 on 06/04/2012

Docket No. 397709US91RX

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

IN RE REEXAMINATION  
OF U.S. PATENT NO.  
6,928,433

INVENTOR(S):  
Ron GOODMAN, et al.

CONTROL NO: 95/001,274

FILED: December 1, 2009

FOR: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY  
METADATA

**CONFIRMATION OF ATTORNEY AND  
CORRESPONDENCE ADDRESS**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313


Commissioner:

The undersigned hereby confirms the attorneys of record for the above-identified reexamination proceeding as those appearing in the General Power of Attorney filed herewith, and accordingly requests the appropriate attorneys of record be noted, and the correct correspondence address be entered for this reexamination proceeding as the address associated with Customer Number:

**22850**

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

  
\_\_\_\_\_  
Scott A. McKeown  
Registration No. 42,866

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 07/09)

Copied from 95001274 on 06/04/2012



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Ron GOODMAN, et al.

Control No./Patent No.: 95/001,274 Filed/Issue Date: December 1, 2009

Entitled: AUTOMATIC HIERARCHICAL CATEGORIZATION OF MUSIC BY METADATA

Creative Technology LTD Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, government agency, etc.)

States that it is:

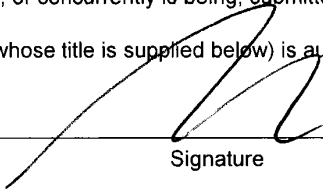
1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of:

An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015640, Frame 0748, or for which a copy therefore is attached.

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

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

  
\_\_\_\_\_  
Signature

5-23-12  
\_\_\_\_\_  
Date

Scott A. McKeown  
\_\_\_\_\_  
Printed or Typed Name - Attorney of Record

703-412-6297  
\_\_\_\_\_  
Telephone Number

42,866  
\_\_\_\_\_  
Registration Number



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/755,723	01/05/2001	Ron Goodman	017002022500

22850  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

**CONFIRMATION NO. 3728**  
**POA ACCEPTANCE LETTER**



Date Mailed: 06/05/2012

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/24/2012.

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

/tcaldwell/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/755,723	01/05/2001	Ron Goodman	017002022500

40032  
CREATIVE LABS, INC.  
LEGAL DEPARTMENT  
1901 MCCARTHY BLVD  
MILPITAS, CA 95035

**CONFIRMATION NO. 3728**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 06/05/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/24/2012.

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

/tcaldwell/

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