

# PROTECTIVE ORDER MATERIAL

## Message

---

**From:** LKMChong@aol.com [LKMChong@aol.com]  
**Sent:** 7/15/2004 10:31:18 PM  
**To:** milton\_diaz@yahoo.com  
**CC:** clifkagawa@hawaii.rr.com  
**Subject:** US Patent Application  
**Attachments:** P1-APPL-ver2.doc

Hi Milton,

I've gone through the application text with your drawings and have completely edited and cleaned it up. Please review it and see if you have anything more to add to it.

As to the drill-down navigation method, I think there may be enough detail to support a patentable claim.

In the classified ads method, the core uniqueness appears to be the automatic conversion from consumer file format to VOD file format and automatic indexing on the VOD server by title and topic metadata provided online by the user. Since these are not described with implementation detail, they might not support a patentable claim. If you have this information now, you should add it in the text. However, if you do not, BBiTV can always file a continuation application later adding in the implementation details when developed, in order to support patentable claims with those details.

Since extensive work preparing the application has already been done, and there may be enough as it stands to get a patentable claim allowed by the Patent Office, I recommend filing the application as a formal US patent application, rather than as a provisional application now followed by a formal application later. Filing it as a formal now will put it in the cycle for examination and possible patent issuance, and the difference in filing fees is only \$385 versus \$80. Even if it is rejected, the examination timeline will be initiated, and the examination itself can tell us what needs to be supported with further detail. On the other hand, a provisional application is not examined, and must be followed by a formal to proceed with examination and possibly patenting.

Again, in order not to lose patent rights, please keep in mind that a US application must be on file before the invention is published by going online or by publication of its details. Therefore, if BBiTV has an online or publication date coming up soon, then we must get whatever final materials you want to add in quickly and file the application before that date.

Leighton K. Chong  
Ostrager Chong Flaherty & Broitman  
841 Bishop Street, Suite 1200  
Honolulu, HI 96813-3908  
Tel: (808) 792-4841  
Fax: (808) 531-7585  
Email: LKMChong@aol.com

BBiTV EX2119  
DISH v. BBiTV