



Entry into the European phase (EPO as designated or elected Office)

To the European Patent Office

European application number	EP09731146.8
PCT application number	PCT/US2009/039754
PCT publication number	WO2009126614
Applicant's or representative's reference	SJP/FP6724736
International Filing Date	07.04.2009
International Search Authority (ISA)	US
International Preliminary Examination Authority (IPEA)	Other
1. Applicant Indications concerning the applicant(s) are contained in the international publication or were recorded by the International Bureau after the international publication. Changes which have not yet been recorded by the International Bureau are set out here:	<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Representative This is the representative who will be listed in the Register of European Patents and to whom notifications will be made Representative 1	Name: PARRY Simon Company: MEWBURN ELLIS LLP Address of place of business: 33 Gutter Lane London, Greater London, EC2V 8AS United Kingdom Telephone: +44 161 247 7722 Fax: +44 20 7776 5399 e-mail: mail@mewburn.com
3. Authorisation An individual authorisation is attached. A general authorisation has been registered under No: A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Request for examination Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid. Request for examination in an admissible non-EPO language: The applicant waives his right to be asked under Rule 70(2) EPC whether he wishes to proceed further with the application.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5. Copies Additional copies of the documents cited in the supplementary European search report are requested. Number of additional sets of copies	<input type="checkbox"/>
6. Documents intended for proceedings before the EPO Number of claims on entry into the European phase: 6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents: the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT unless replaced by the amendments attached.	23 <input type="checkbox"/> <input type="checkbox"/>

Where necessary, clarifications should be attached as 'Other documents'

6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:

the documents on which the international preliminary examination report is based, including any annexes
 unless replaced by the amendments attached.

Where necessary, clarifications should be attached as 'Other documents'

If the EPO as International Preliminary Examining Authority has been supplied with test reports, these may be used as the basis of proceedings before the EPO.

7. Translations

Translations in one of the official languages of the EPO (English, French, German) are attached as crossed below:

** In proceedings before the EPO as designated or elected Office (PCT I + II):*

Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material

Translation of the priority application(s) (to be filed only at the EPO's request, Rule 53(3) EPC)

It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 53(3) EPC)

** In addition, in proceedings before the EPO as designated Office (PCT I):*

Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).

** In addition, in proceedings before the EPO as elected Office (PCT II):*

Translation of annexes to the international preliminary examination report

8. Biological material

The invention uses and/or relates to biological material deposited under Rule 31 EPC.

The particulars referred to in Rule 31(1)(c) EPC (if not yet known, the depositary institution and the identification reference(s)) [number, symbols, etc.] of the depositor are given in the international publication or in the translation submitted in Section 7 on:

page(s) / line(s)

The receipt(s) of deposit issued by the depositary institution is (are) enclosed.

will be filed later.

Waiver of the right to an undertaking from the requester pursuant to Rule 33(2) EPC attached.

9. Nucleotide and amino acid sequences

The items pursuant to Rules 5.2 and 13ter PCT, Rules 30 and 163(3) EPC are already with the EPO.

The sequence listing is attached in PDF format.

The sequence listing does not include matter which goes beyond the content of the application as filed.

The sequence listing data is also attached in computer-readable form in accordance with WIPO Standard 25.

The sequence listing data in computer-readable form in accordance with WIPO Standard 25 is identical to the sequence listing in PDF format.

10. Designation fees

All the contracting states party to the EPC at the time of filing of the international patent application and designated in the international application are deemed to be designated (see Article 79(1) EPC).

AT BE BG CH&LI CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LT LU LV MC MK MT NL NO PL PT RO SE SI SK TR

10.1 It is currently intended to pay fewer than seven designation fees, for the following contracting states:

10.2 If contracting states are indicated in Section 10.1, it is agreed that for the

contracting states not thus indicated no communication under Rule 112(1) EPC be issued and further processing be excluded.

11. Extension of the European patent

This application is deemed to be a request to extend the European patent application and the European patent granted in respect of it to all the non-contracting states to the EPC designated in the international application and with which extension agreements are in force on the date on which the international application is filed. However, the extension only takes effect if the prescribed extension fee is paid.

It is currently intended to pay the extension fee for the following states:

Note: Under the automatic debiting procedure, extension fees will only be debited for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.

12. List of enclosed documents

	Description of document	Original file name	Assigned file name
1	Combined Amendments	9119193-v1-to_EPO_18_Oct_2010_-_new_claims_1-23.PDF	AMSPECEPO-1.PDF
1	Additional Representatives	Additional Representatives.pdf	OTHER-1.pdf
2	Marked up claims	9118976-v1-to_EPO_18_Oct_2010_-_marked_up_claims.PDF	OTHER-2.PDF
3	Accompanying letter	9119136-v1-to_EPO_18_Oct_2010_-_accompanying_letter.PDF	OTHER-3.PDF

13. Mode of payment: Not specified

14. Any refunds should be made to the following EPO deposit account:

Number and account holder

Mewburn Ellis LLP, 28050013

15. Fees

16. Annotations

16-1. Note (for EPO) (EP Phase)

Additional Representatives
(MEWBURN ELLIS LLP)

Additional representatives are listed in an additional document

16-2. Note (for EPO) (EP Phase)

Precautionary statements
(MEWBURN ELLIS LLP)

1. In this application, unless expressly stated otherwise, the cancellation, abandonment or amendment of any claim or any amendment in the description does not amount to abandonment of any subject matter in the application and upon such cancellation, abandonment or amendment the right to reinstate or file divisional applications in respect of any subject matter in the application as filed is maintained.

2. As a matter of precaution, oral proceedings under EPC Art. 116 are requested, to take place in the event that the EPO Receiving Section or the EPO Examining Division forms an intention to refuse the application.

16-3. Note (for EPO) (EP Phase)

Additional fee for applications

having more than 35 pages
(MEWBURN ELLIS LLP)

If, following payment of the
filing fee, the EPO believes
that there is a shortfall in the
amount paid for the additional
fee, the EPO is authorised to
charge that shortfall from EPO
deposit account no.
2805.0013 (Mewburn Ellis
LLP) under reference number
SHORTFALL.

17. Signature(s) of applicant(s) or representative

Place: **Manchester, GB**
Date: **19 October 2010**
Signed by: **GB, Mewburn Ellis LLP, S. Parry 20806**
Capacity: **(Representative)**

CLAIMS

What is claimed is:

1. An earphone comprising:
a body, wherein the body comprises:
at least one acoustic transducer for converting an analog electrical signal to sound;
an antenna; and
a transceiver circuit in communication with the at least one acoustic transducer and the antenna, wherein the transceiver circuit is for receiving and transmitting wireless signals via the antenna, and wherein the transceiver circuit is for outputting the analog electrical signal to the at least one acoustic transducer, and wherein the wireless transceiver circuit comprises firmware, which when executed by the transceiver circuit, causes the transceiver circuit to:
receive digital audio wirelessly from a data source via an ad hoc wireless network when the data source is in wireless communication range with the earphone via the ad hoc wireless network;
transmit data via the ad hoc wireless network to the data source regarding one or more infrastructure wireless networks detected by the transceiver circuit when the earphone and the data source are communicating via the ad hoc wireless network, wherein the data comprises identification data and signal strength data for the one or more infrastructure wireless networks; and
when the data source is not in wireless communication range with the earphone via the ad hoc wireless network, transition automatically to receive digital audio via an infrastructure wireless network.
2. The earphone of claim 1, wherein the transceiver circuit comprises:
a wireless communication module;
a processor unit in communication with the wireless communication module;
a non-volatile memory unit in communication with the processor unit; and
a volatile memory unit in communication with the processor unit.
3. The earphone of claim 2, wherein the wireless communication module comprises a Wi-Fi communication module.
4. The earphone of any preceding claim, wherein the transceiver circuit is for receiving digital audio from the data source via the infrastructure wireless network when the data source is not in wireless communication range with the earphone via the ad hoc wireless network.

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