PTO/SB/80 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 91105

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

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 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 identified in the attached statement under 37 CFR 3.73(b) to:

☑ The address associated with Customer Number:

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

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
Name		Telephone
Title		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

PTO/SB/14 (11-08)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Christopher		Desmond	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Glen Ellyn	State/Province	IL	Country of Residence	US

Citizenship under 37 CFR 1.41(b) US

Mailing Address of Applicant:

Address 1	980 Oxford Rd.		
Address 2			
City	Glen Ellyn	State/Province	IL
Postal Code	60137	Country	US

Applicant 2

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Nancy		Desmond	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Glen Ellyn	State/Province	IL	Country of Residence	US

Citizenship under 37 CFR 1.41(b) US

Mailing Address of Applicant:

Address 1	980 Oxford Rd.		
Address 2			
City	Glen Ellyn	State/Province	IL
Postal Code	60137	Country	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

Customer Number	91105		
Email Address	uspto@caliberip.com	Add Email	Remove Email

Application Information:

Title of the Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES		
Attorney Docket Number		**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	10	**Suggested Figure for Publication (if any)**	1

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	91105		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

PTO/SB/14 (11-08)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country[i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			◯ Yes ◯ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. ☒

Organization Name			
Mailing Address Information:			
Address 1			
Address 2			
City		**State/Province**	
Country[i]		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/David N. Oskin/			Date (YYYY-MM-DD)	2011-06-09
First Name	David	Last Name	Oskin	Registration Number	58863

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

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Petitioner Apple Inc. - Ex. 1015, p. 6

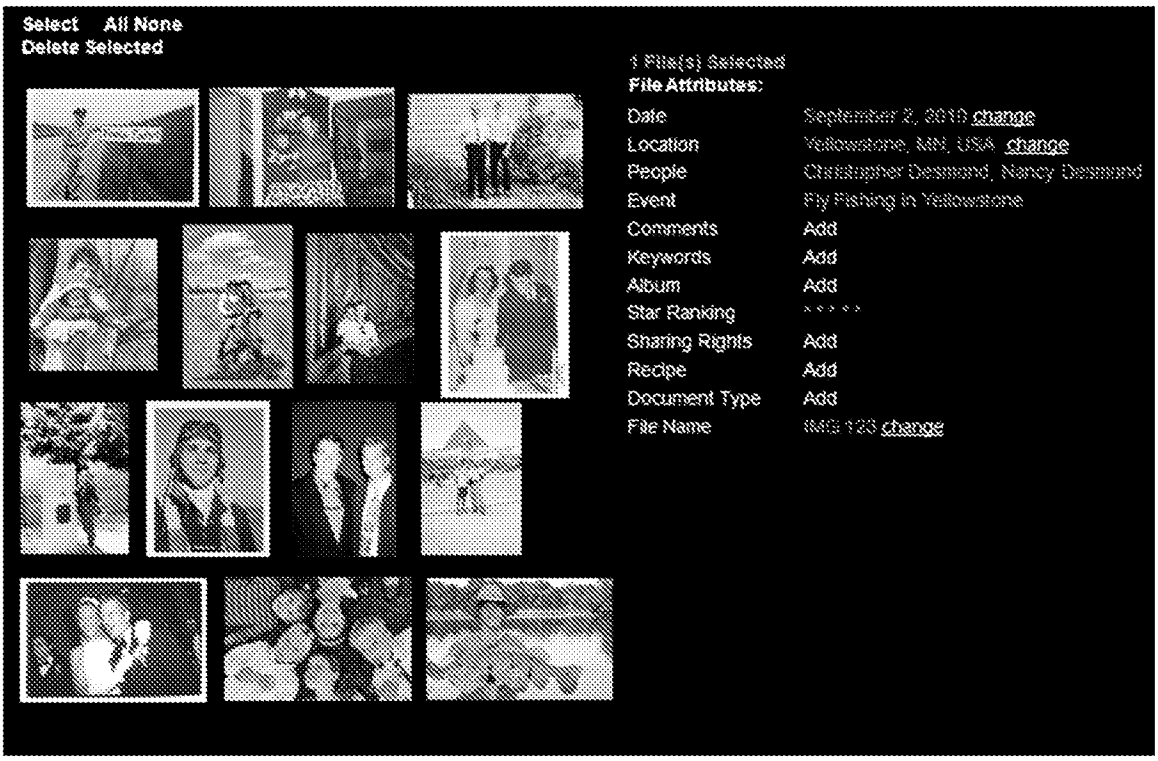

Select All None
Delete Selected
1 File(s) Selected
File Attributes:
Date
Location
People
Event
Comments
Keywords
Album
Star Ranking
Sharing Rights
Recipe
Document Type
File Name
change
Add

Fig. 1

Comments:
Suzanne and Anthony's Wedding Party where all the cousins posed for a photo in the grass. Note, Jack with the lollypop and the photographer with his shoe in the photo.
Location:
People:
Event:
Camera Details:

Fig. 2

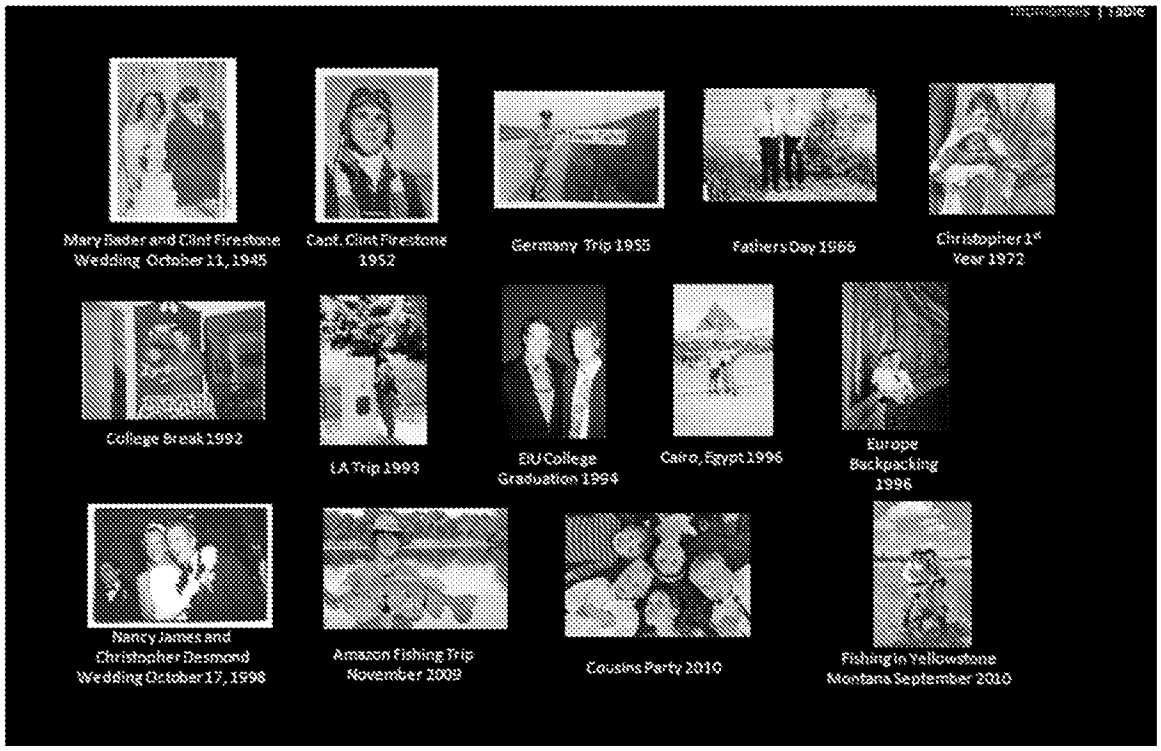

Mary Bader and Clint Firestone Wedding October 11, 1945
Capt. Clint Firestone 1952
Germany Trip 1955
Fathers Day 1966
Christopher 1st Year 1972
College Break 1992
LA Trip 1993
EIU College Graduation 1994
Cairo, Egypt 1996
Europe Backpacking 1996
Nancy James and Christopher Desmond Wedding October 17, 1998
Amazon Fishing Trip November 2009
Cousins Party 2010
Fishing in Yellowstone Montana September 2010

Fig. 3

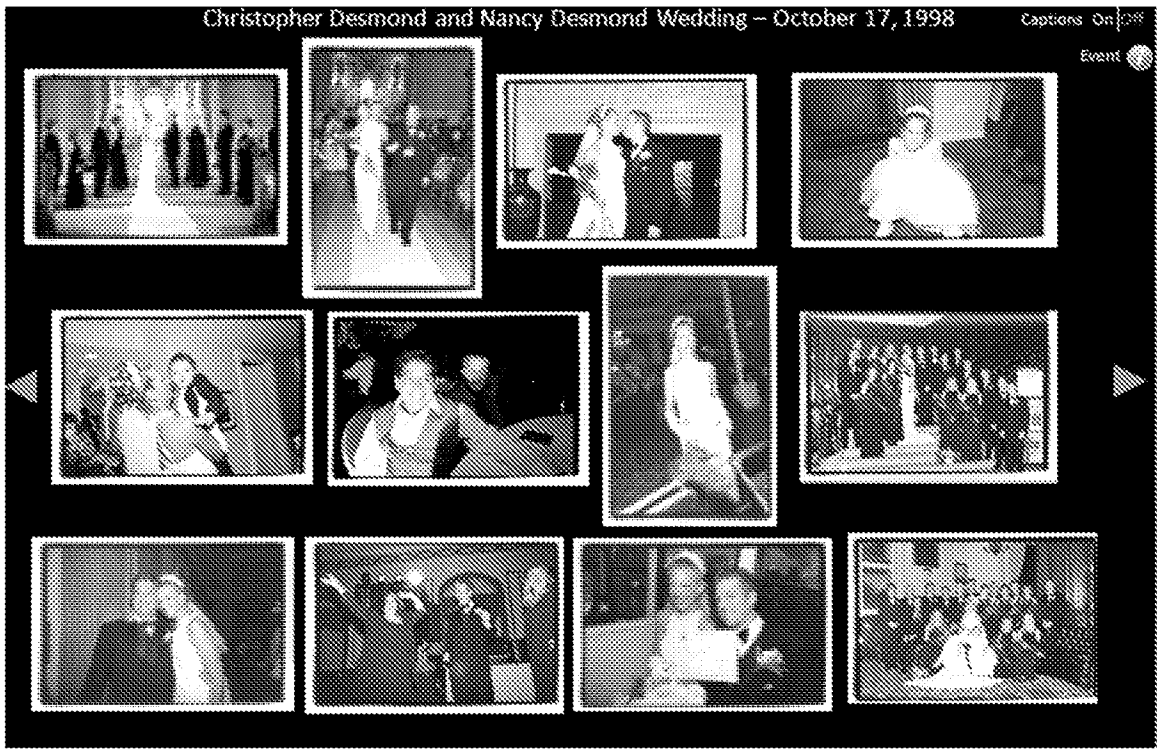

Christopher Desmond and Nancy Desmond Wedding – October 17, 1998
Captions On
Event

Fig. 4

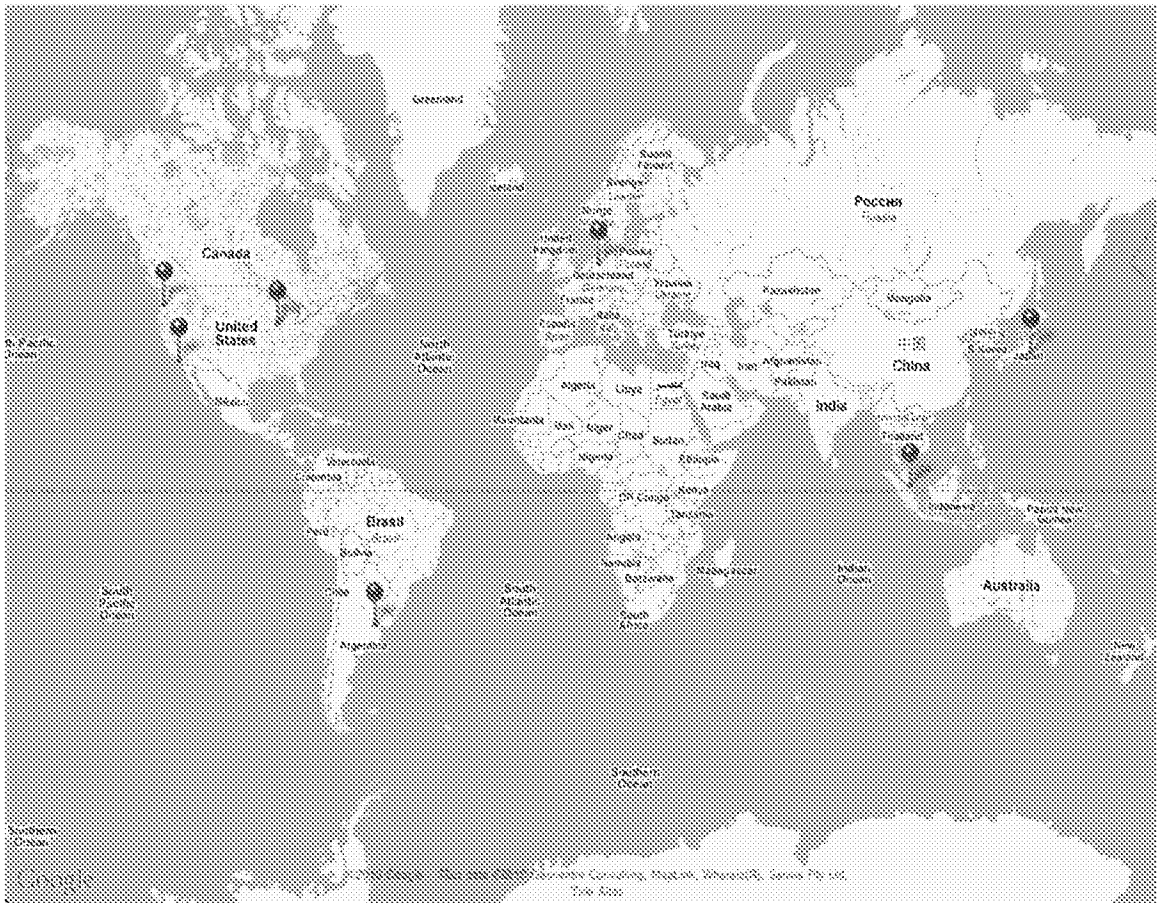


Fig. 5

Thumbnail | Table
Clint Firestone
Tim Dog
Steve Fire
Suzanne Lucky
Steve Fuqh
Ben Sherman
Joe Schmo
Mary Virginia
Clint Dewitt
Charlotte Killian
Chris Jeep
Peter Long Horn
Tim Dog
Steve Fire
Suzanne Lucky
Steve Fuqh
Ben Sherman
Joe Schmo
Mary Virginia
Clint Dewitt
Charlotte Killian

Fig. 6

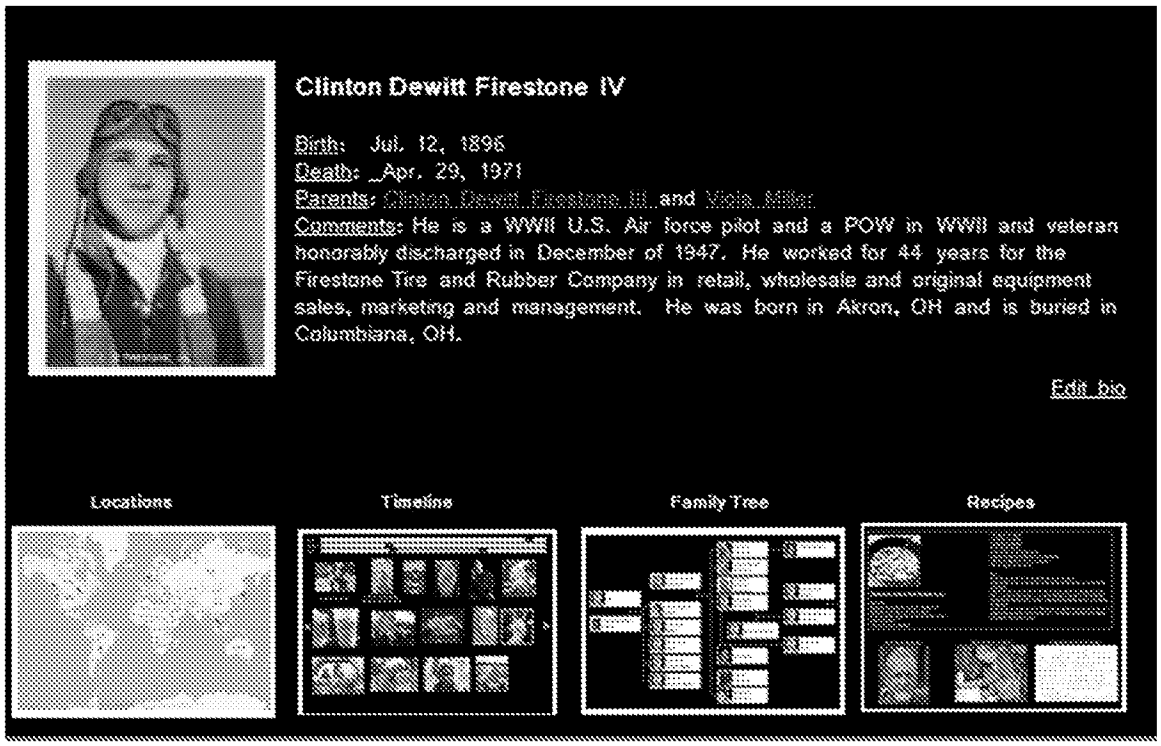

Clinton Dewitt Firestone IV
Birth: Jul. 12, 1896
Death: Apr. 29, 1971
Parents: Clinton Dewitt Firestone III and Viola Miller
Comments: He is a WWII U.S. Air force pilot and a POW in WWII and veteran honorably discharged in December of 1947. He worked for 44 years for the Firestone Tire and Rubber Company in retail, wholesale and original equipment sales, marketing and management. He was born in Akron, OH and is buried in Columbiana, OH.
Edit bio
Locations
Timeline
Family Tree
Recipes

Fig. 7

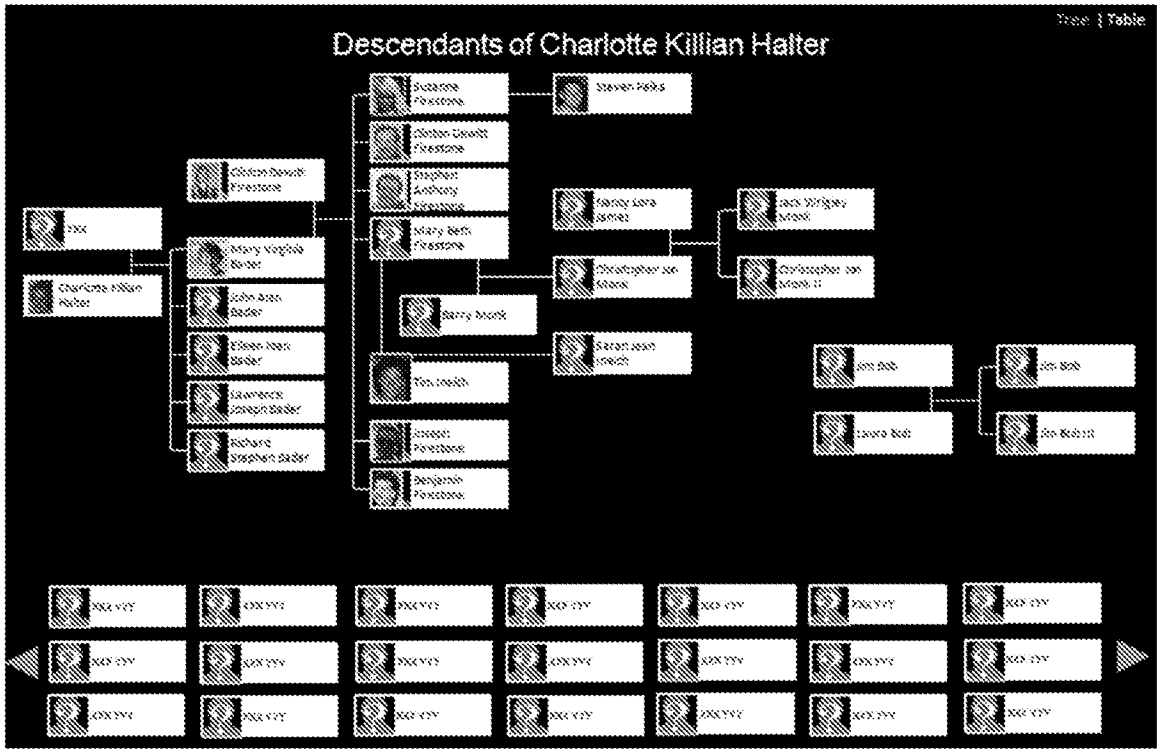

Descendants of Charlotte Killian Halter

Fig. 8

Year
Month
Day
Cousins Party 2013
Fishing in Yellowstone
Montana September 2010

Fig. 9

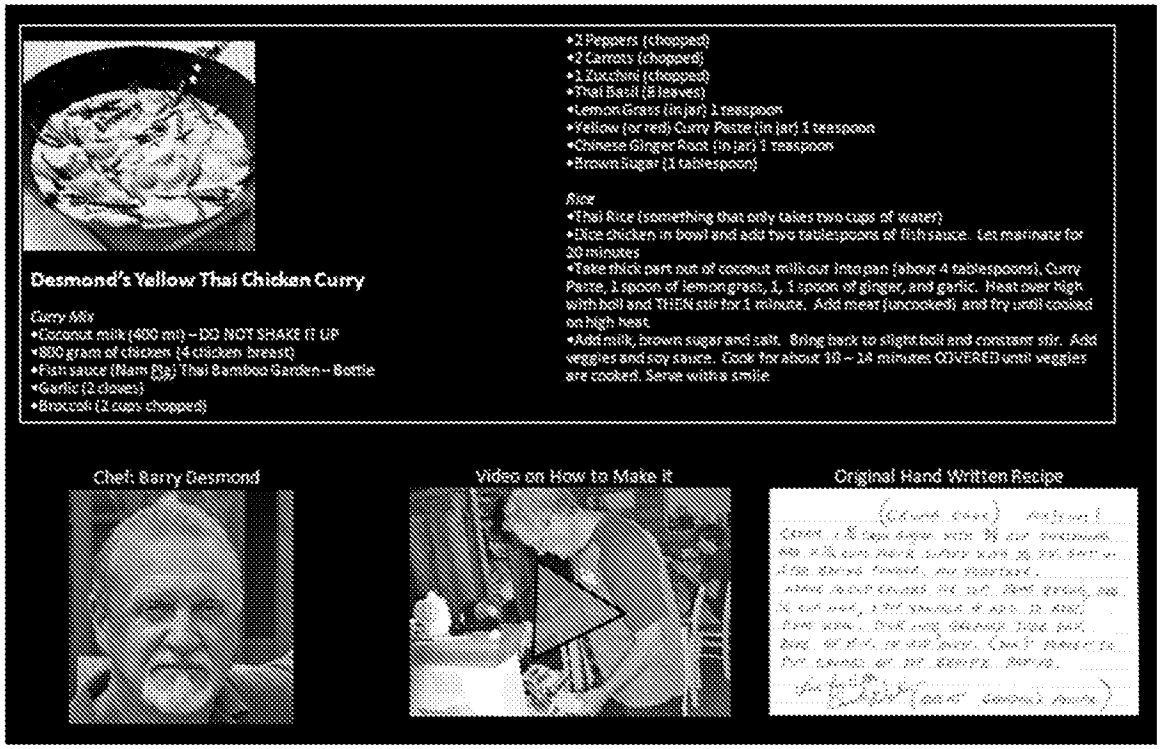
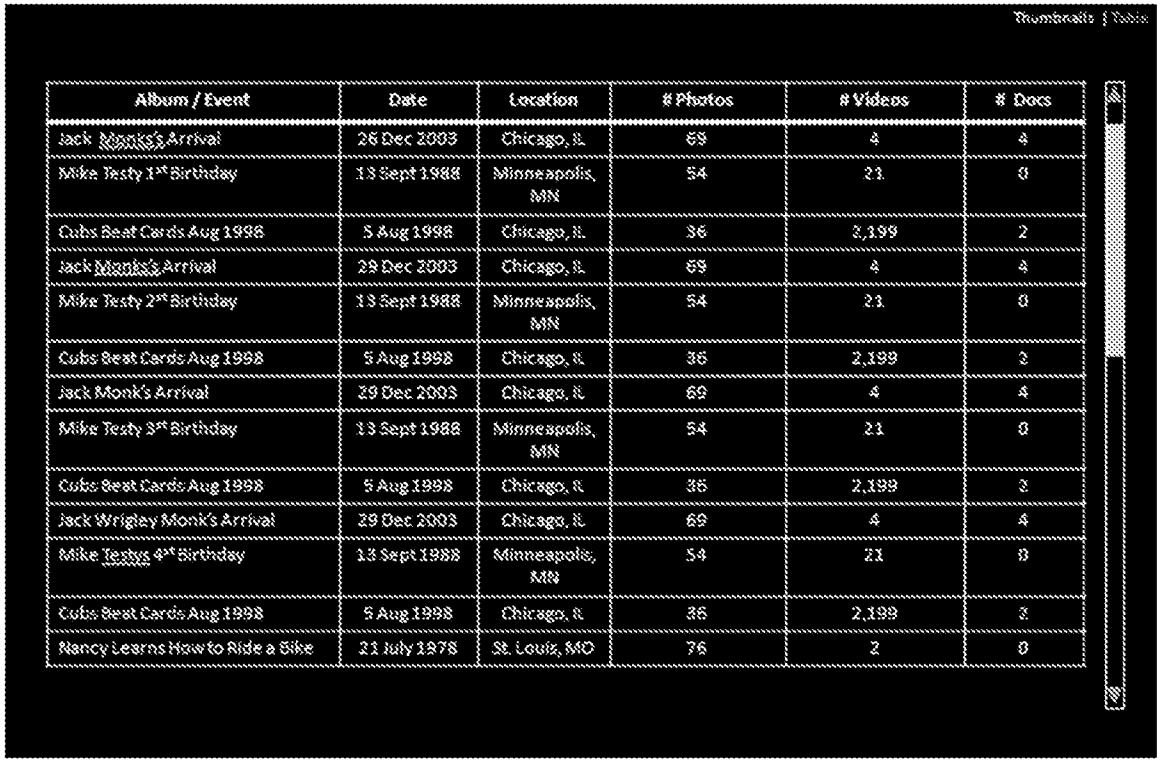
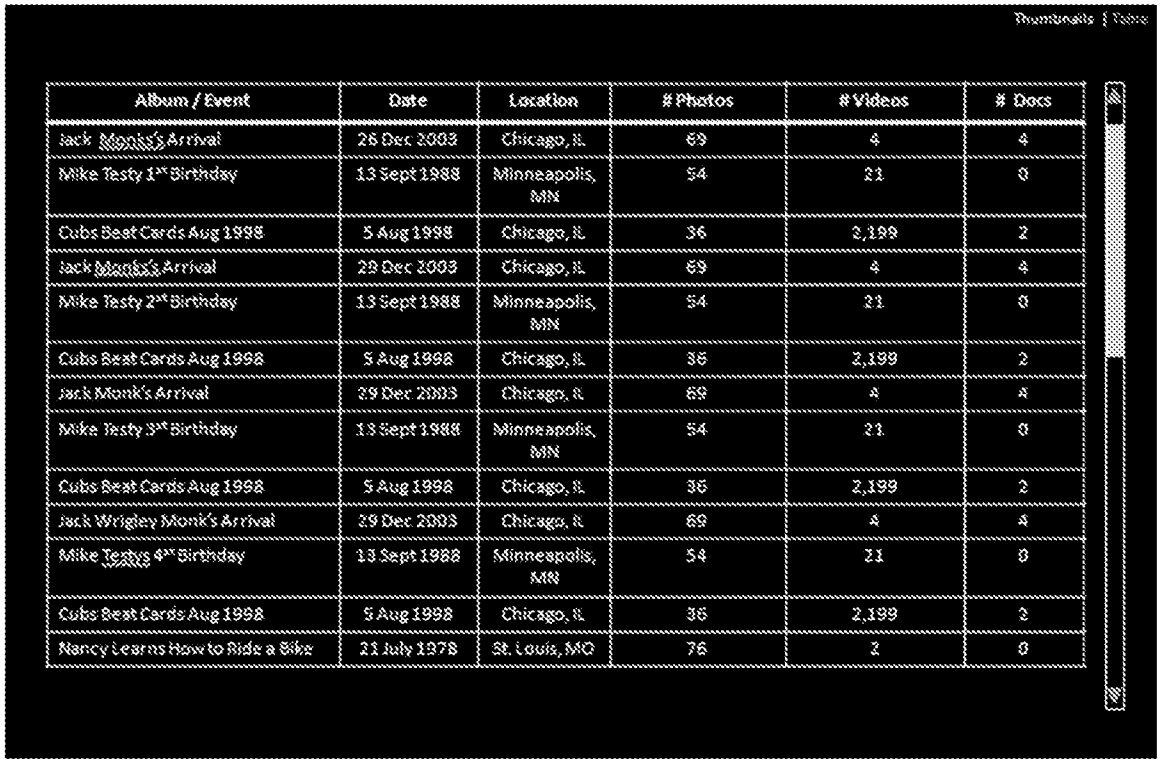


Fig. 10



Album / Event	Date	Location	# Photos	# Videos	# Docs
Jack Monk's Arrival	26 Dec 2003	Chicago, IL	69	4	4
Mike Testy 1st Birthday	13 Sept 1988	Minneapolis, MN	54	21	0
Cubs Beat Cards Aug 1998	5 Aug 1998	Chicago, IL	36	2,199	2
Jack Monk's Arrival	29 Dec 2003	Chicago, IL	69	4	4
Mike Testy 2nd Birthday	13 Sept 1988	Minneapolis, MN	54	21	0
Cubs Beat Cards Aug 1998	5 Aug 1998	Chicago, IL	36	2,199	2
Jack Monk's Arrival	29 Dec 2003	Chicago, IL	69	4	4
Mike Testy 3rd Birthday	13 Sept 1988	Minneapolis, MN	54	21	0
Cubs Beat Cards Aug 1998	5 Aug 1998	Chicago, IL	36	2,199	2
Jack Wrigley Monk's Arrival	29 Dec 2003	Chicago, IL	69	4	4
Mike Testys 4th Birthday	13 Sept 1988	Minneapolis, MN	54	21	0
Cubs Beat Cards Aug 1998	5 Aug 1998	Chicago, IL	36	2,199	2
Nancy Learns How to Ride a Bike	21 July 1978	St. Louis, MO	76	2	0

Fig. 11



Album / Event	Date	Location	# Photos	# Videos	# Docs
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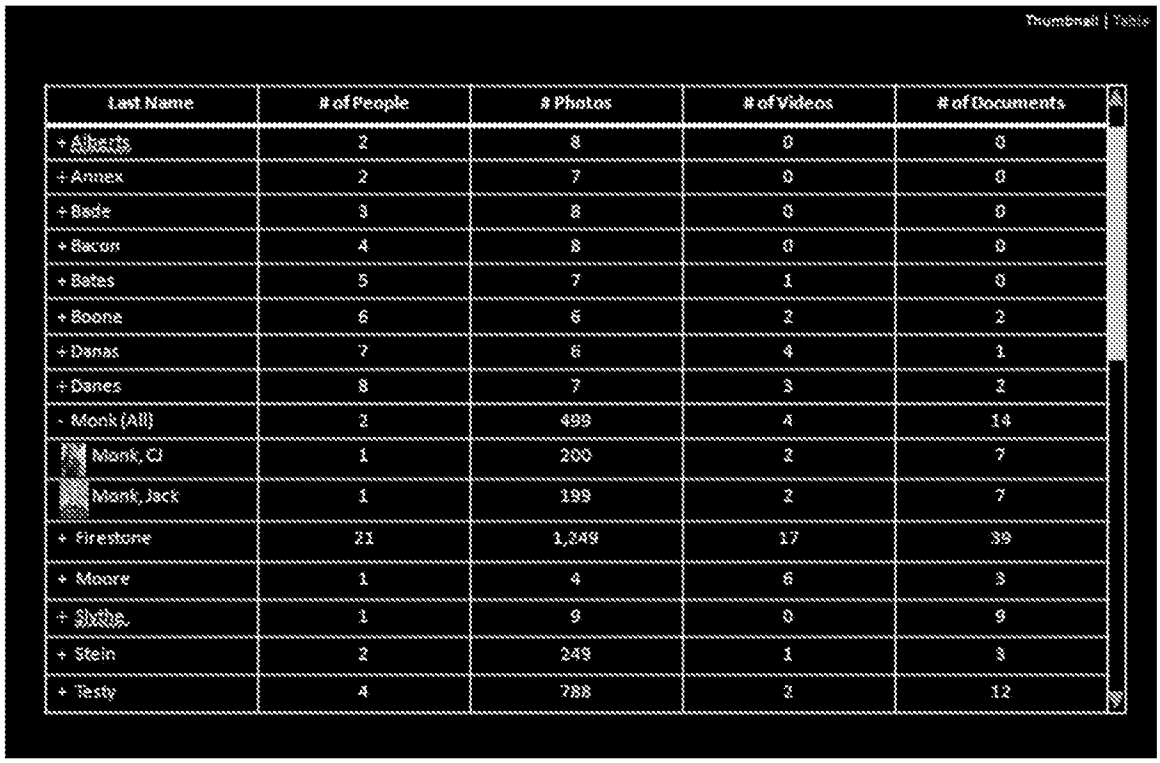
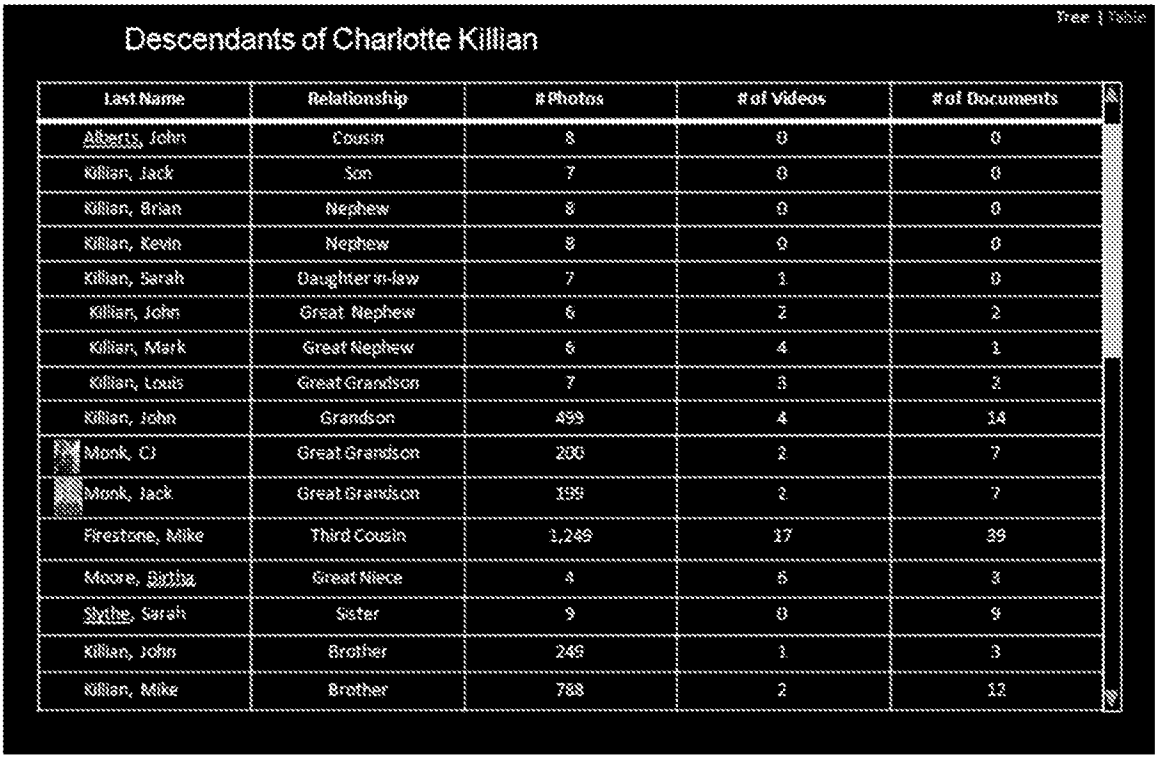
Cubs Best Cards Aug 1998	5 Aug 1998	Chicago, IL	36	2,199	2
Jack Wrigley Monk's Arrival	29 Dec 2003	Chicago, IL	69	4	4
Mike Testys 4th Birthday	13 Sept 1988	Minneapolis, MN	54	21	0
Cubs Best Cards Aug 1998	5 Aug 1998	Chicago, IL	36	2,199	2
Nancy Learns How to Ride a Bike	21 July 1978	St. Louis, MO	76	2	0

Fig. 12



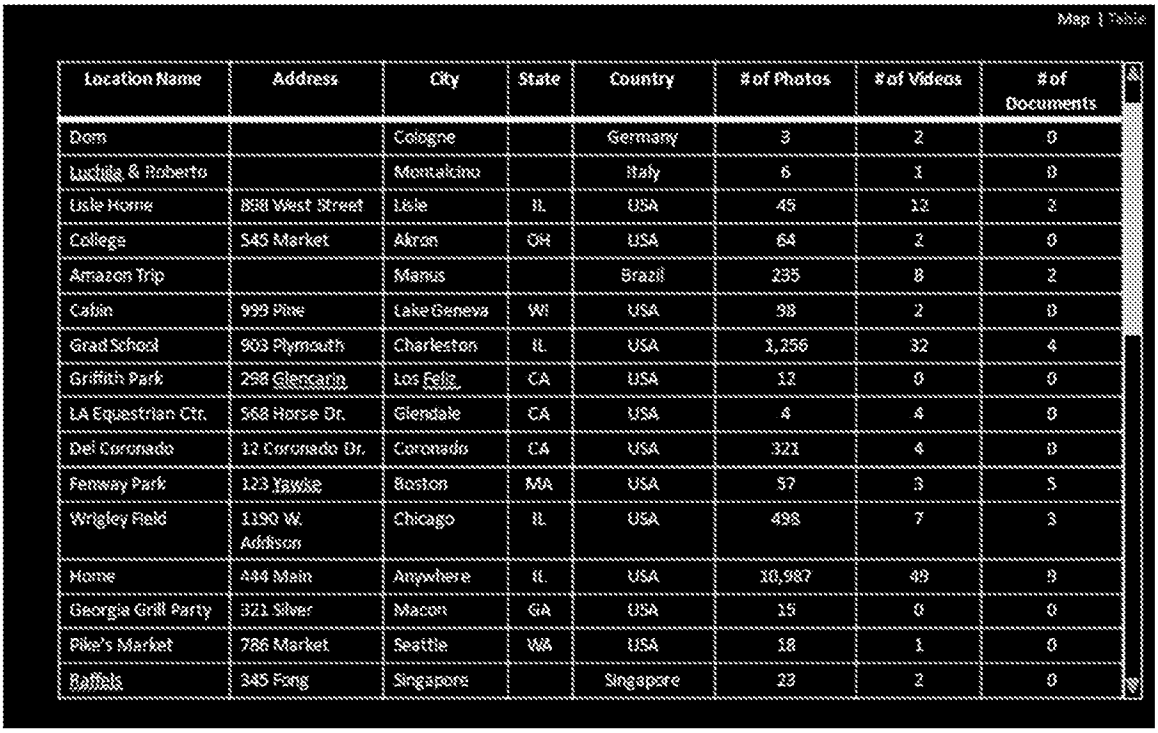
Last Name	# of People	# Photos	# of Videos	# of Documents
+ Alberts	2	8	0	0
+ Annex	2	7	0	0
+ Bade	3	8	0	0
+ Bacon	4	8	0	0
+ Bates	5	7	1	0
+ Boone	6	6	2	2
+ Danas	7	6	4	1
+ Danes	8	7	3	2
- Monk (All)	2	499	4	14
Monk, CJ	1	200	2	7
Monk, Jack	1	199	2	7
+ Firestone	21	1,249	17	39
+ Moore	1	4	6	3
+ Skiba	1	9	0	9
+ Stein	2	249	1	3
+ Testy	4	788	3	12

Fig. 13



Last Name	Relationship	# Photos	# of Videos	# of Documents
Alberts, John	Cousin	8	0	0
Killian, Jack	Son	7	0	0
Killian, Brian	Nephew	8	0	0
Killian, Kevin	Nephew	8	0	0
Killian, Sarah	Daughter-in-law	7	1	0
Killian, John	Great Nephew	6	2	2
Killian, Mark	Great Nephew	6	4	1
Killian, Louis	Great Grandson	7	3	3
Killian, John	Grandson	499	4	14
Monk, CJ	Great Grandson	200	2	7
Monk, Jack	Great Grandson	199	2	7
Firestone, Mike	Third Cousin	1,249	17	39
Moore, Birthe	Great Niece	4	6	3
Birthe, Sarah	Sister	9	0	9
Killian, John	Brother	249	1	3
Killian, Mike	Brother	788	2	12

Fig. 14



Location Name	Address	City	State	Country	# of Photos	# of Videos	# of Documents
Dom		Cologne		Germany	3	2	0
Lucilla & Roberto		Montalcino		Italy	6	1	0
Lisle Home	858 West Street	Lisle	IL	USA	45	12	2
College	545 Market	Akron	OH	USA	64	2	0
Amazon Trip		Manus		Brazil	235	8	2
Cabin	999 Pine	Lake Geneva	WI	USA	38	2	0
Grad School	903 Plymouth	Charleston	IL	USA	1,256	32	4
Griffith Park	298 Glencarin	Los Feliz	CA	USA	12	0	0
LA Equestrian Ctr.	568 Horse Dr.	Glendale	CA	USA	4	4	0
Del Coronado	12 Coronado Dr.	Coronado	CA	USA	321	4	0
Fenway Park	123 Yawkie	Boston	MA	USA	57	3	5
Wrigley Field	1190 W. Addison	Chicago	IL	USA	498	7	3
Home	444 Main	Anywhere	IL	USA	10,987	49	9
Georgia Grill Party	321 Silver	Macon	GA	USA	19	0	0
Pike's Market	786 Market	Seattle	WA	USA	18	1	0
Raffels	345 Fang	Singapore		Singapore	23	2	0

Fig. 15

Category | Card | Table
Recipe
Chef
Date
Category
Blacks Yellow Thai Chicken Curry
Jack Black
31 Jan 2010
Dinner
Skinny Germans
Gerda
29 Dec 2003
0
KFC in a bag
The Kernal
13 Sept 1988
0
Shit on a zhingle
George James
5 Aug 1998
0
Mrs. Fields Cookies
Mrs. Fields
21 July 1978
1
Chicken Pot Pie
Jack Black
31 Jan 2010
2
Roll your own doe
Vito Spadeycho
29 Dec 2003
4
Pizza a la Franciscan
Charles Fasa
13 Sept 1988
3
Meatball Delight
Ben Delight
5 Aug 1998
4
Almond Cookies
Lori James
21 July 1978
2
Jumpin Jack Flap Jacks
Jack Jack
31 Jan 2010
2
Vicki's chow mein
Vicki Firestone
29 Dec 2003
17
Fat Steak
Barry Monk
13 Sept 1988
6
Mud Pie
Nancy Monk
5 Aug 1998
0
Caesar Salad
Christopher Monk
21 July 1978
1
Daddio Pancakes
Barry Monk
2 March 11
2

Fig. 16

X Close

Fig. 17

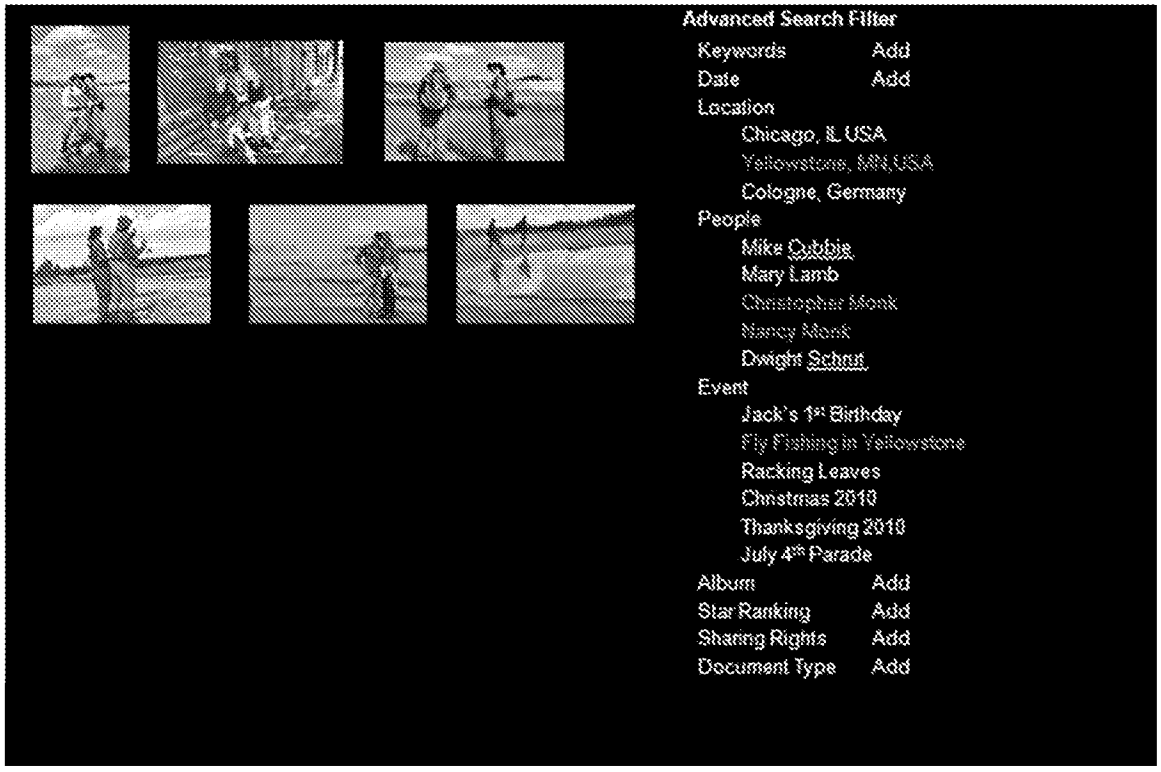

Advanced Search Filter
Keywords Add
Date Add
Location
Chicago, IL USA
Yellowstone, MN,USA
Cologne, Germany
People
Mike Cubbie
Mary Lamb
Christopher Monk
Nancy Monk
Dwight Schrut
Event
Jack's 1st Birthday
Fly Fishing in Yellowstone
Racking Leaves
Christmas 2010
Thanksgiving 2010
July 4th Parade
Album Add
Star Ranking Add
Sharing Rights Add
Document Type Add

Fig. 18

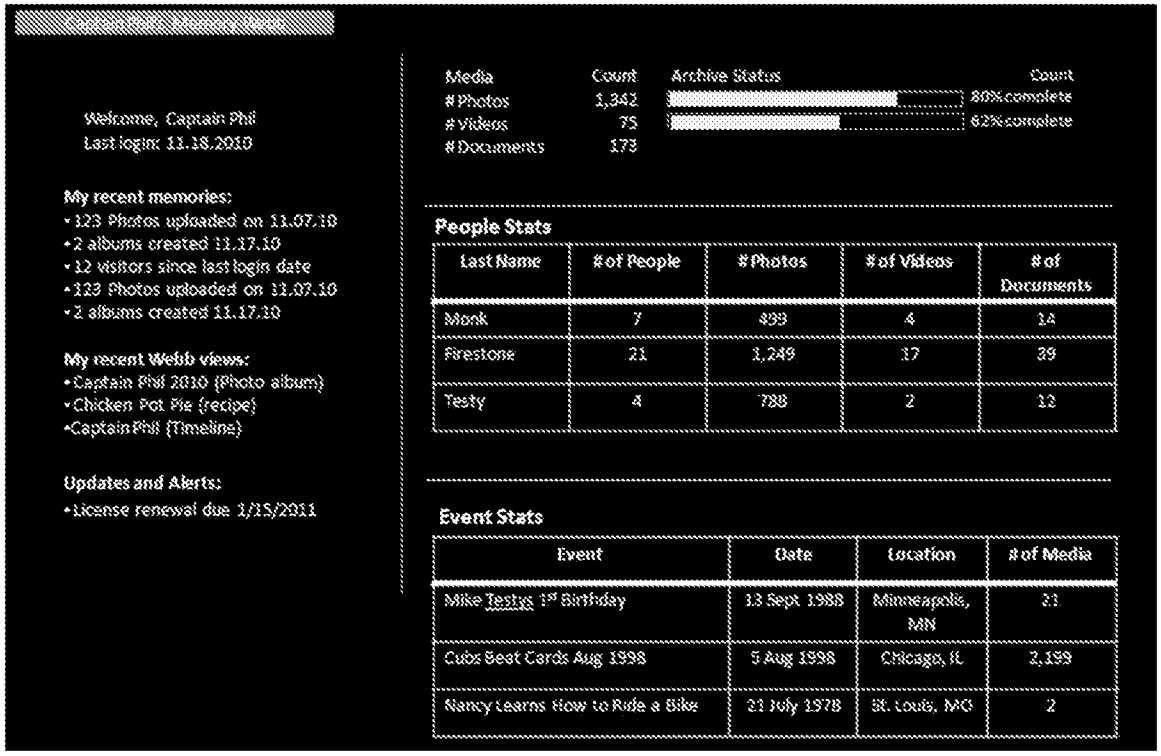

Welcome, Captain Phil
Last login: 11.18.2010
My recent memories:
•123 Photos uploaded on 11.07.10
•2 albums created 11.17.10
•12 visitors since last login date
•123 Photos uploaded on 11.07.10
•2 albums created 11.17.10
My recent Webb views:
•Captain Phil 2010 (Photo album)
•Chicken Pot Pie (recipe)
•Captain Phil (Timeline)
Updates and Alerts:
•License renewal due 1/15/2011
Media Count
Photos 1,342
Videos 75
Documents 173
Archive Status Count
80% complete
62% complete
People Stats
Last Name # of People # Photos # of Videos # of Documents
Monk 7 499 4 14
Firestone 21 1,249 17 39
Testy 4 788 2 12
Event Stats
Event Date Location # of Media
Mike Testys 1st Birthday 13 Sept 1988 Minneapolis, MN 21
Cubs Beat Cards Aug 1998 5 Aug 1998 Chicago, IL 2,199
Nancy Learns How to Ride a Bike 21 July 1978 St. Louis, MO 2

Fig. 19

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	David N. Oskin
Attorney Docket Number:	Memory-Webb

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**462**

Electronic Acknowledgement Receipt

EFS ID:	10273896
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	09-JUN-2011
Filing Date:	
Time Stamp:	19:32:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

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Payment Type	Credit Card
Payment was successfully received in RAM	$462
RAM confirmation Number	5685
Deposit Account	
Authorized User	

File Listing:

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

1	Abstract	abstract.pdf	7551 4db5142a3059b13d85882abea96e8b11e43f8285	no	1
Warnings:					
Information:					
2	Claims	Claims.pdf	13807 95356f4395a07d1463832785113981 3f98fe8df2	no	2
Warnings:					
Information:					
3	Specification	Spec.pdf	47494 13a0149ec13bc04dcd955b14617e4f6fa07e8321	no	7
Warnings:					
Information:					
4	Oath or Declaration filed	Declaration.pdf	516990 14f16828b1db326b7077dd663342813153 9bf689	no	2
Warnings:					
Information:					
5	Power of Attorney	POA_91105.pdf	65111 8f0d359394084dbd2a1dd18c97360143f3d4467b	no	2
Warnings:					
Information:					
6	Application Data Sheet	ADS_.pdf	84126 92b13cdc68a7865060e133a3c3c2dfe31c6aa255	no	4
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
7	Drawings-other than black and white line drawings	Figs_Final.pdf	7326408 74d13631589cc5e6f7954a21547c0fcf23caec30	no	10
Warnings:					
Information:					
8	Fee Worksheet (SB06)	fee-info.pdf	33112 9986ee2a2cff011b50966a86541461c688dab6ff	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	8094599		

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

ABSTRACT

A web-based digital file storage system is disclosed. The storage system may include a digital file repository for storing and retrieving digital files, such as photos, a digital tagging system configured to assign digital tags to the digital files, a sorting system, and a user interface.

What is claimed is:

1. A web-based digital file storage system comprising:
a digital file repository for storing and retrieving digital files;
a digital tagging system permitting the user to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;
a search filter, wherein the search filter allows the digital files to be searched according to a plurality of types of data; and
a user interface that presents the digital files on a user's screen based on the digital tags.

2. The storage system of claim 1, wherein the digital file repository is accessible over the Internet.

3. The storage system of claim 1, wherein the search system provides a user with the ability to search based on a plurality of types of data simultaneously.

4. The storage system of claim 1, further comprising a system for tracking relationships between and among users and named persons, so that a family tree can be displayed.

5. The storage system of claim 1, further comprising a system for linking a recipe to at least one of a person's name, videos, photos, documents, and audio files.

6. The storage system of claim 1, wherein the user interface is user-configurable.

7. The storage system of claim 1, wherein the digital files and data can be exported as a single or multiple files.

8. A method of storing digital files, the method comprising the steps of:
storing a digital file in a file repository;
associating a plurality of digital tags having different tag types with the digital file;
providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result; and
providing a user-configurable output to display the search result;
wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. The method of claim 8, further comprising the step of linking a recipe to a user.

12. The method of claim 8, further comprising the step of outputting a digital file and its associated digital tags in a single file.

13. A web-based digital file storage system comprising:
a digital file repository for storing and retrieving digital files;
a digital tagging system configured to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; and
a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data.

14. The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. The storage system of claim 13, wherein the user interface is user-configurable.

19. The storage system of claim 13, wherein the digital files and data can be exported as a single file.

20. The storage system of claim 13, further comprising a user-configurable output to display the sorted files.

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

SCOPE OF INVENTION

The present invention relates to a digital file management service. More particularly, the present invention relates to a method and application for organizing, viewing, sorting, notating, distributing, storing, sharing and archiving digital files.

BACKGROUND AND SUMMARY OF INVENTION

Prior to the invention of digital photography, people tended to share photos by displaying printed copies in frames and albums or would store them in a container in hope of preserving these assets preserved for future use or future generations. Important photos would often be inscribed on the back with significant details (people, location, and event) to preserve the memory of that particular occasion. Many people would share their memories by assembling an album that could be viewed with others. Occasionally, extra copies of special photos may have been printed for friends, relatives, etc. Film slide shows were also a popular medium for sharing photo memories.

With the evolution of digital files, there has been explosive growth in the number of individuals taking photos, making movies and gathering digital documents and in the sheer number of files people are capturing digitally. Today, virtually every personal computing device contains some kind of photo, movie or other type of digital file.

At the same time, there is little to no cost for people to store large amounts of photos in various “containers” of the modern age. Facebook, Flickr, Shutterfly and countless other social media and specialty digital files sites allow users to post and share images to a community with a frequency and ease that continues to feed the fire of the digital revolution.

What is needed to complement the widespread availability of digital files is a medium that allows people to organize, view, preserve and share these files with all the memory details captured, connected and vivified via an interactive interface. Such a solution would allow digital files, including documents, photos, videos and audio, to tell a full story now, and for generations to come.

The present disclosure relates to one or more of the following features, elements or combinations thereof. A web-based digital file storage system is disclosed. The storage system may include a digital file repository for storing and retrieving digital files, such as photos, a digital tagging system configured to assign digital tags to the digital files, a sorting system, and a user interface.

The digital tagging system may include various types of data, such as a person’s name, a location, a recipe, a date, a family relationship to the user, an event name, a rating, sharing rights, file type and a document name. The sorting system can allow the digital files to be searched and sorted according to a plurality of types of data and can be used for creating and organizing special views. The user interface may be user-

configurable, and can present the digital files on a user's screen based on these user inputs.

The digital file repository may be accessible over the Internet. The sorting system may provide a user with the ability to search based on a plurality of digital tags. The disclosed system may also provide a way to track relationships between users, so that a family tree can be displayed.

Recipes may also be linked to a person's name, with, for example, a video and digital copy of original hand-written recipe to create a recipe view.

Moreover, the digital files and data can be exported as a single file with the digital tagging embedded within the exported file.

In another embodiment, a method of storing digital photographs is disclosed. The method may include the steps of storing a digital photograph in a file repository, associating a plurality of digital tags having different tag types with the digital photograph, providing a search function that permits searching by a plurality of digital tag types and provides a search result, and providing a user-configurable output to display the search result. The digital tag types may include, for example, a person's name, a location, a recipe, a date, a relationship, an event name, a rating, file type and a document type. The method may include a further step of providing access to the file repository via the Internet. The method may also allow for tracking relationships between users so that a family tree can be displayed.

Additional features of the disclosure will become apparent to those skilled in the art upon consideration of the following detailed description of preferred embodiments exemplifying the best mode of carrying out the invention as presently perceived.

BRIEF DESCRIPTION OF THE DRAWINGS

The detailed description particularly refers to the accompanying figures in which:

FIG. 1 is a screenshot of an organizational functionality view of one embodiment of the disclosed system;

FIG. 2 is a screenshot of a photo detail view of one embodiment of the disclosed system;

FIG. 3 is a screenshot of a gallery view of an event or album of one embodiment of the disclosed system;

FIG. 4 is screenshot of an individual event or album view of one embodiment of the disclosed system;

FIG. 5 is a screenshot of a location view of one embodiment of the disclosed system;

FIG. 6 is a screenshot of a people thumbnail view of one embodiment of the disclosed system;

FIG. 7 is a screenshot of a people profile view of one embodiment of the disclosed system;

FIG. 8 is a screenshot of a family tree view of one embodiment of the disclosed system;

FIG. 9 is a screenshot of a timeline view of one embodiment of the disclosed system;

FIG. 10 is a screenshot of a recipe chart, according to one embodiment of the disclosed system;

FIG. 11 is a screenshot of an album chart view of one embodiment of the disclosed system;

FIG. 12 is a screenshot of an event chart view of one embodiment of the disclosed system;

FIG. 13 is a screenshot of a people chart view of one embodiment of the disclosed system;

FIG. 14 is a screenshot of a family tree chart view of one embodiment of the disclosed system;

FIG. 15 is a screenshot of a location chart view of one embodiment of the disclosed system;

FIG. 16 is a screenshot of a recipe chart view of one embodiment of the disclosed system;

FIG. 17 is a screenshot of a slideshow view of one embodiment of the disclosed system;

FIG. 18 is a screenshot of an advanced search filter view of one embodiment of the disclosed system; and

FIG. 19 is a screenshot of a homepage view of one embodiment of the disclosed system.

DETAILED DESCRIPTION OF THE DRAWINGS

The presently disclosed method and application (herein alternatively referred to as a “system”) provides users with an Internet-based interactive platform to gather, organize, view, share and archive digital files using a proprietary organization system and export tagging process. As used herein, the word “tag” refers to any type of digital data that can be assigned to a file to describe some aspect of that file through a tagging process. For images, the tagging is preferably in EXIF format. For videos, documents and other file formats, any appropriate format me be used. The disclosed system allows users to create, view and share digital files, which could represent, for example, the memories a user has collected from the past and present, and could incorporate additional memories for generations to come. As outlined herein, various embodiments are disclosed that can accomplish these and other goals.

One disclosed embodiment includes an import feature. Users can import media files from users’ favorite sources (e.g., computers, mobile phones, social networks, etc.). If any meta-tag information is embedded within the media (e.g., date taken and

GPS coordinates), the system could automatically read and utilize it for the user. Digital files, media, meta-tags, and other data discussed herein may be saved to one or more file repositories (also referred to as a database herein).

In another aspect of the disclosed system, organizational functionality is provided. Similar to the concept of writing certain information "on the back of a photo," the system's digital tagging system and organizing feature allows a user to arrange large amounts of digital files with tags that can characterize and document the digital file(s). Digital files can be individually or group organized at the same time for many tags including, but not limited to, a person's name, family relationships of the subjects to the user and between each other (e.g., mother/father), location, date, event, album, comments, document type (e.g., birth certificate, poetry), recipe, ranking or rating, and sharing rights. Tags can be assigned to a single file at a time, or to a plurality of files at once. For example, if a user wishes to assign the tag "grandma" to 100 photos at once, the system provides a way for a user to select all 100 photos and enter the tag only once. An example of the manner in which digital photos can be organized is presented is seen in Fig. 1.

Yet another feature is the multiple views from which a user can display his or her digital media files and their tagged attributes. Using a user interface (e.g. a keyboard, mouse, or touch screen), users can select individual files, groups of files meeting specific criteria, or all files in their account from which to create views. These views may alternately take the form of a chart. These views will be auto-populated based upon either tag information already associated with the digital file upon import or the tags assigned to the digital files by the user within the aforementioned organization functionality. Each digital file can be enlarged, from any view or chart, by clicking an information ("i") button to show an enlarged version of the digital media file with all the tags that are assigned to that digital file, as illustrated in Fig 2. In another embodiment, the user interface may be user-configurable, as discussed further herein.

The following views are shown with particularity. In Fig. 1, the gallery view allows the user to see all the digital media that are associated within a group such as an event or custom album. The gallery view for either events or albums is illustrated in Fig 3.

As shown in Fig. 2, an individual album or event view allows one to see the files associated with a specific group. For example, one can view the digital files that relate to a group of files called "Trip to Italy 2011". The individual album or event view is illustrated in Fig. 4.

A location view, as shown in Fig. 5, identifies within an interactive map (Google map shown as an example), where digital files were taken or originated. The location view can also provide additional outputs such as a journey route that identifies the specific locations for an event or trip that can be customized by users.

A people view, as shown in Fig. 6, shows thumbnail photos of all the people in the system that can be clicked in for a people profile view. A people profile view, as shown in Fig. 7, shows a profile picture of an individual, their birth/death information, family relationships, overview (comments) on the person, as well as links to other views that contain that individual in the system.

A family tree view, as shown in Fig 8, can illustrate interactive family trees where one can see the family tree of an individual or family. If a user clicks on an individual within the family tree, it will take him or her to the people profile view of that person.

The timeline view, as shown in Fig. 9, will be an interactive timeline that allows you to set ranges of digital files by year, month and day. The digital files shown in the timeline will also be interactive and if the user clicks on a digital file or group of digital files (e.g., event or album), the user will then view the information related to the digital file(s).

A recipe view, as shown in Fig. 10, will show a recipe along with any digital files that are associated with it. For example, a cherished family recipe may show a digital copy of the original handwritten recipe, a photo of the family member who was the chef and a video of the family member making the recipe.

Each of the aforementioned views may also be seen in a chart format view that is interactive when any item on the chart is clicked, the user will them be taken to a new screen that details all relevant digital files (and file types) for the clicked item.

For album or event chart views, as shown in Figs. 11 and 12, the elements listed in those charts will include individuals who are part of each album/event, number of digital files, date and other pertinent information.

A people view, shown in Fig. 13, may demonstrate all the names of individuals that are in the system in an alphabetical listing. Such a people view can also contain details on each person such as the number of photos and videos that are associated with that person. The user can click on that person to pull up the profile view of the individual or click on the number of photos to see all the photos associated with that person.

In the family tree chart view, shown in Fig. 14, family lineage can be viewed in multiple ways. For example, a user can set himself as the tree anchor and then see a tree of all people entered into the database related to the user. The user could also set a contact as the tree anchor and then just view the descendants of that individual.

For a location chart view, as show in Fig. 15, listings of all the locations that are in the system are displayed along with the number of digital files, as well as names of persons associated with each. A user can click on the location to see all the digital media files that are associated with a specific location.

A recipe chart, as shown in Fig. 16, can show recipes that uploaded to the system. Along with the ingredients and steps of each recipe, this view can identify the chef(s) name, number of photos and videos associated with each.

For any of the views, the user can click on the digital file to start a slideshow feature that will allow them to scroll through an enlarged view of the digital file as illustrated in Fig. 17.

Another aspect of the disclosure is the search filter. This filter allows users to select one or more criteria that will narrow down their results to just those digital files matching input criteria. The entire system can be filtered by, for example, key words (or plurality of key words), event names, location, people, albums, star rating, file type,

document type, and dates. A user may filter based on more than one criterion at a time. To help users quickly identify digital files that may still need to be organized, the advanced search filter also allows users to isolate files that have no date, no location, no people, no specific date/range, no upload date information or are lacking any other tag.

It should be noted that in one embodiment, searching via key word will search through all tagged information (user populated or auto-generated upon import). For example, if a user searched for the term "Ohio," the system would search for that term associated with any file in any way. If the user had files with Ohio as a state, file name, street name, person's name, file comment, etc., all would be retrieved.

Settings applied in the advanced search filter can cumulatively carry over to any subsequent pages until new criteria are selected. For example, a user can apply a filter to retrieve files associated with a particular person. Then the user can set a date range to further narrow results to show only those files for that selected person within the date range. Any pages viewed from that point forward throughout the entire site would only contain files associated with person and the date range specified. The advanced search filter is illustrated in Fig. 18.

Yet another feature can be a user's homepage, as illustrated in Fig. 19, that can summarize the user's content within the system including relevant information in the system. It is contemplated that a user's homepage may show a summary of the total number of photos, videos, documents and audio files that the user has uploaded. In this embodiment, for each group of digital files (e.g., photos), the percent of files that has been organized with pertinent data such as date, name(s) and location can be noted. In addition, the homepage can show a list of people that are in the system and the respective count for photos, videos, documents and audio files associated with each person. Also contemplated is a summary of the events, albums and locations that have been entered into the system. The user homepage may serve as an executive summary dashboard of one's entire system and can be modified to provide data in an executive summary format for a user.

Another feature is that the entire system including the dynamic views can be presented in a wide range of user outputs - e.g. on the user's computer, smartphone or tablet display. The user may choose to present the digital files in any of the various types of ways disclosed herein. Other ways of outputting the files are also possible. The user can create and modify various sharing rights so that third parties may view the files and if desired, provide comments, apply tags or even download/copy the files for their own use.

Still another embodiment can provide export functionality. Once a user has used the organization functionality to assign information to data file(s), a user may want to export the data file in its original form (e.g., .jpg, .mp4, etc.) with the tags embedded within the digital file in the form of EXIF tags. In other words, a user can export his or her entire set of digital files, or may choose a subset based on keywords and tags. The exported digital files can include key tags and attributes users have assigned, and in one embodiment, such tags and attributes can be embedded within the digital files. For example, each exported digital file may be imbedded with user-entered data such as the

people, location, and event name. This feature will allow the users to back up their files to another source (e.g., external computer hard drive) or to transport it to another venue (e.g., another website that is used for viewing and/or sharing digital files such as a social media website) where it can be viewed with these attributes. This export feature can provide users with the advantage of never losing key data that was stored simply because the user chooses to move its digital files to a new digital archiving system.

A method is also disclosed. The method may include the steps of storing a digital file in a file repository, associating a plurality of digital tags having different tag types with the digital file, providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result, and providing a user-configurable output to display the search result. The digital tag types may include, for example, a person's name, a location, a recipe, a date, a relationship between individuals, an event name, a rating, and a document type.

Under the disclosed method, access may be provided to the repository via the Internet. Relationships between users may also be tracked such that a family tree can be displayed. A recipe may also be linked to a user or person. Finally, the method may include the step of outputting a digital file and its associated digital tags into a single file.

While the disclosure is susceptible to various modifications and alternative forms, specific exemplary embodiments thereof have been shown by way of example in the drawings and have herein been described in detail. It should be understood, however, that there is no intent to limit the disclosure to the particular forms disclosed, but on the contrary, the intention is to cover all modifications, equivalents, and alternatives falling within the spirit and scope of the disclosure as defined by the appended claims.

A plurality of advantages arises from the various features of the present disclosure. It will be noted that alternative embodiments of various components of the disclosure may not include all of the features described yet still benefit from at least some of the advantages of such features. Those of ordinary skill in the art may readily devise their own implementations of a digital file organization system that incorporate one or more of the features of the present disclosure and fall within the spirit and scope of the disclosure.

PTO/SB/01A (01-09)
Approved for use through 09/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☑ The attached application, or

☐ United States application or PCT international application number _____

filed on _____

☐ As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein 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 are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Christopher Desmond Date: 06/09/11

Signature: _____ Citizen of: US

Inventor two: Nancy Desmond Date: 06/09/11

Signature: _____ Citizen of: US

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute 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.

Privacy Act Statement

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

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

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

SCORE Placeholder Sheet for IFW Content

Application Number: 13157214 Document Date: 6/9/2011

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

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

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface using the Supplemental Content tab.
- Other USPTO employees can bookmark the current SCORE URL (http://es/ScoreAccessWeb/).
- External customers may access SCORE content via the Public and Private PAIR interfaces using the Supplemental Content tab.

Form Revision Date: May 1, 2009

PTO/SB/80 (11-06)
Approved for use through 11/30/2011. 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.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 91105

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

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 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 identified in the attached statement under 37 CFR 3.73(b) to:

☑ The address associated with Customer Number:

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:

CHRISTOPHER DESMOND AND NANCY DESMOND
980 OXFORD ROAD
Glen Ellyn, IL 60137

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	[signature]	Nancy Desmond	Date June 19, 2011
Name	Christopher Desmond	Nancy Desmond	Telephone 630 534 6288
Title	CEO	Chief Marketing Officer	

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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 1450, Alexandria, VA 22313-1450.**

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PTO/SB/01A (01-09)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- [✓] The attached application, or
- [ ] United States application or PCT international application number _____
  filed on _____
  - [ ] As amended on _____ (if applicable).

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought.

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

WARNING:

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All statements made herein of my/our own knowledge are true, all statements made herein 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 are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S):

Inventor one: Christopher Desmond Date: 06/09/11

Signature: _____ Citizen of: US

Inventor two: Nancy Desmond Date: 06/09/11

Signature: Nancy Desmond Citizen of: US

- [ ] Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute 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.

Electronic Acknowledgement Receipt

EFS ID:	10370185
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	23-JUN-2011
Filing Date:	09-JUN-2011
Time Stamp:	12:01:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA.pdf	1818035 396dbc070810b0502931061f112ab93734e8f74c	no	1

Warnings:	
Information:	

2	Oath or Declaration filed	Declaration.pdf	4093107 549bc18fd97677a5dab438c78f1617067da28e91	no	1

Warnings:	
Information:	
Total Files Size (in bytes):	5911142

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/157,214	06/09/2011		462	Memory-Webb	20	3

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

FILING RECEIPT

Date Mailed: 06/27/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christopher Desmond, Glen Ellyn, IL;
Nancy Desmond, Glen Ellyn, IL;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 06/20/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/157,214**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/157,214

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	270		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*	x 26 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*	x 110 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	462		TOTAL	

APPLICATION AS AMENDED - PART II

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

FORMALITIES LETTER

OC000000048321298

Date Mailed: 06/27/2011

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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 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.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

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

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

91105
CAliber IP, LLC
150 N. Michigan Ave., Ste 2800
Chicago, IL 60601

IMPROPER CPOA LETTER

OC000000048321790

Date Mailed: 06/27/2011

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/09/2011. The Power of Attorney in this application is not accepted for the reason(s) listed below:

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Courtesy Reminder for
Application Serial No: 13/157,214

Attorney Docket No: Memory-Webb
Customer Number: 91105
Date of Electronic Notification: 06/27/2011

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ABSTRACT

A web-based digital file storage system is disclosed. The storage system may include a digital file repository for storing and retrieving digital files, such as photos, a digital tagging system configured to assign digital tags to the digital files, a sorting system, and a user interface.

What is claimed is:

1. A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a digital tagging system permitting the user to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a search filter, wherein the search filter allows the digital files to be searched according to a plurality of types of data; and

a user interface that presents the digital files on a user's screen based on the digital tags.

2. The storage system of claim 1, wherein the digital file repository is accessible over the Internet.

3. The storage system of claim 1, wherein the search system provides a user with the ability to search based on a plurality of types of data simultaneously.

4. The storage system of claim 1, further comprising a system for tracking relationships between and among users and named persons, so that a family tree can be displayed.

5. The storage system of claim 1, further comprising a system for linking a recipe to at least one of a person's name, videos, photos, documents, and audio files.

6. The storage system of claim 1, wherein the user interface is user-configurable.

7. The storage system of claim 1, wherein the digital files and data can be exported as a single or multiple files.

8. A method of storing digital files, the method comprising the steps of:

storing a digital file in a file repository;

associating a plurality of digital tags having different tag types with the digital file;

providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result; and

providing a user-configurable output to display the search result;

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. The method of claim 8, further comprising the step of linking a recipe to a user.

12. The method of claim 8, further comprising the step of outputting a digital file and its associated digital tags in a single file.

13. A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a digital tagging system configured to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; and

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data.

14. The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. The storage system of claim 13, wherein the user interface is user-configurable.

19. The storage system of claim 13, wherein the digital files and data can be exported as a single file.

20. The storage system of claim 13, further comprising a user-configurable output to display the sorted files.

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Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- [✓] The attached application, or
- [ ] United States application or PCT international application number _____
  filed on _____
  - [ ] As amended on _____ (if applicable).

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought.

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

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All statements made herein of my/our own knowledge are true, all statements made herein 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 are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S):

Inventor one: Christopher Desmond Date: 06/09/11

Signature: _____ Citizen of: US

Inventor two: Nancy Desmond Date: 06/09/11

Signature: Nancy Desmond Citizen of: US

- [ ] Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute 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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Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	David N. Oskin
Attorney Docket Number:	Memory-Webb

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
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Late filing fee for oath or declaration	2051	1	65	65
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**65**

Electronic Acknowledgement Receipt

EFS ID:	10743180
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
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1	Abstract	Abstract.pdf	7551 d298cdfd2af67a433928d331e98714c05eb1db55	no	1
Warnings:					
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2	Claims	Claims.pdf	18467 4d6536b5a4628f71665bce4e67de145cd1d21cbb	no	4
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METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

SCOPE OF INVENTION

The present invention relates to a digital file management service. More particularly, the present invention relates to a method and application for organizing, viewing, sorting, notating, distributing, storing, sharing and archiving digital files.

BACKGROUND AND SUMMARY OF INVENTION

Prior to the invention of digital photography, people tended to share photos by displaying printed copies in frames and albums or would store them in a container in hope of preserving these assets preserved for future use or future generations. Important photos would often be inscribed on the back with significant details (people, location, and event) to preserve the memory of that particular occasion. Many people would share their memories by assembling an album that could be viewed with others. Occasionally, extra copies of special photos may have been printed for friends, relatives, etc. Film slide shows were also a popular medium for sharing photo memories.

With the evolution of digital files, there has been explosive growth in the number of individuals taking photos, making movies and gathering digital documents and in the sheer number of files people are capturing digitally. Today, virtually every personal computing device contains some kind of photo, movie or other type of digital file.

At the same time, there is little to no cost for people to store large amounts of photos in various "containers" of the modern age. Facebook, Flickr, Shutterfly and countless other social media and specialty digital files sites allow users to post and share images to a community with a frequency and ease that continues to feed the fire of the digital revolution.

What is needed to complement the widespread availability of digital files is a medium that allows people to organize, view, preserve and share these files with all the memory details captured, connected and vivified via an interactive interface. Such a solution would allow digital files, including documents, photos, videos and audio, to tell a full story now, and for generations to come.

The present disclosure relates to one or more of the following features, elements or combinations thereof. A web-based digital file storage system is disclosed. The storage system may include a digital file repository for storing and retrieving digital files, such as photos, a digital tagging system configured to assign digital tags to the digital files, a sorting system, and a user interface.

The digital tagging system may include various types of data, such as a person's name, a location, a recipe, a date, a family relationship to the user, an event name, a rating, sharing rights, file type and a document name. The sorting system can allow the digital files to be searched and sorted according to a plurality of types of data and can be used for creating and organizing special views. The user interface may be user-configurable, and can present the digital files on a user's screen based on these user inputs.

The digital file repository may be accessible over the Internet. The sorting system may provide a user with the ability to search based on a plurality of digital tags. The disclosed system may also provide a way to track relationships between users, so that a family tree can be displayed.

Recipes may also be linked to a person's name, with, for example, a video and digital copy of original hand-written recipe to create a recipe view.

Moreover, the digital files and data can be exported as a single file with the digital tagging embedded within the exported file.

In another embodiment, a method of storing digital photographs is disclosed. The method may include the steps of storing a digital photograph in a file repository, associating a plurality of digital tags having different tag types with the digital photograph, providing a search function that permits searching by a plurality of digital tag types and provides a search result, and providing a user-configurable output to display the search result. The digital tag types may include, for example, a person's name, a location, a recipe, a date, a relationship, an event name, a rating, file type and a document type. The method may include a further step of providing access to the file repository via the Internet. The method may also allow for tracking relationships between users so that a family tree can be displayed.

Additional features of the disclosure will become apparent to those skilled in the art upon consideration of the following detailed description of preferred embodiments exemplifying the best mode of carrying out the invention as presently perceived.

BRIEF DESCRIPTION OF THE DRAWINGS

The detailed description particularly refers to the accompanying figures in which:

FIG. 1 is a screenshot of an organizational functionality view of one embodiment of the disclosed system;

FIG. 2 is a screenshot of a photo detail view of one embodiment of the disclosed system;

FIG. 3 is a screenshot of a gallery view of an event or album of one embodiment of the disclosed system;

FIG. 4 is screenshot of an individual event or album view of one embodiment of the disclosed system;

FIG. 5 is a screenshot of a location view of one embodiment of the disclosed system;

FIG. 6 is a screenshot of a people thumbnail view of one embodiment of the disclosed system;

FIG. 7 is a screenshot of a people profile view of one embodiment of the disclosed system;

FIG. 8 is a screenshot of a family tree view of one embodiment of the disclosed system;

FIG. 9 is a screenshot of a timeline view of one embodiment of the disclosed system;

FIG. 10 is a screenshot of a recipe chart, according to one embodiment of the disclosed system;

FIG. 11 is a screenshot of an album chart view of one embodiment of the disclosed system;

FIG. 12 is a screenshot of an event chart view of one embodiment of the disclosed system;

FIG. 13 is a screenshot of a people chart view of one embodiment of the disclosed system;

FIG. 14 is a screenshot of a family tree chart view of one embodiment of the disclosed system;

FIG. 15 is a screenshot of a location chart view of one embodiment of the disclosed system;

FIG. 16 is a screenshot of a recipe chart view of one embodiment of the disclosed system;

FIG. 17 is a screenshot of a slideshow view of one embodiment of the disclosed system;

FIG. 18 is a screenshot of an advanced search filter view of one embodiment of the disclosed system; and

FIG. 19 is a screenshot of a homepage view of one embodiment of the disclosed system.

DETAILED DESCRIPTION OF THE DRAWINGS

The presently disclosed method and application (herein alternatively referred to as a "system") provides users with an Internet-based interactive platform to gather, organize, view, share and archive digital files using a proprietary organization system and export tagging process. As used herein, the word "tag" refers to any type of digital data that can be assigned to a file to describe some aspect of that file through a tagging process. For images, the tagging is preferably in EXIF format. For videos, documents and other file formats, any appropriate format me be used. The disclosed system allows users to create, view and share digital files, which could represent, for example, the memories a user has collected from the past and present, and could incorporate additional memories for generations to come. As outlined herein, various embodiments are disclosed that can accomplish these and other goals.

One disclosed embodiment includes an import feature. Users can import media files from users' favorite sources (e.g., computers, mobile phones, social networks, etc.). If any meta-tag information is embedded within the media (e.g., date taken and GPS coordinates), the system could automatically read and utilize it for the user. Digital files, media, meta-tags, and other data discussed herein may be saved to one or more file repositories (also referred to as a database herein).

In another aspect of the disclosed system, organizational functionality is provided. Similar to the concept of writing certain information "on the back of a photo," the system's digital tagging system and organizing feature allows a user to arrange large amounts of digital files with tags that can characterize and document the digital file(s). Digital files can be individually or group organized at the same time for many

tags including, but not limited to, a person's name, family relationships of the subjects to the user and between each other (e.g., mother/father), location, date, event, album, comments, document type (e.g., birth certificate, poetry), recipe, ranking or rating, and sharing rights. Tags can be assigned to a single file at a time, or to a plurality of files at once. For example, if a user wishes to assign the tag "grandma" to 100 photos at once, the system provides a way for a user to select all 100 photos and enter the tag only once. An example of the manner in which digital photos can be organized is presented is seen in Fig. 1.

Yet another feature is the multiple views from which a user can display his or her digital media files and their tagged attributes. Using a user interface (e.g. a keyboard, mouse, or touch screen), users can select individual files, groups of files meeting specific criteria, or all files in their account from which to create views. These views may alternately take the form of a chart. These views will be auto-populated based upon either tag information already associated with the digital file upon import or the tags assigned to the digital files by the user within the aforementioned organization functionality. Each digital file can be enlarged, from any view or chart, by clicking an information ("i") button to show an enlarged version of the digital media file with all the tags that are assigned to that digital file, as illustrated in Fig 2. In another embodiment, the user interface may be user-configurable, as discussed further herein.

The following views are shown with particularity. In Fig. 1, the gallery view allows the user to see all the digital media that are associated within a group such as an event or custom album. The gallery view for either events or albums is illustrated in Fig 3.

As shown in Fig. 2, an individual album or event view allows one to see the files associated with a specific group. For example, one can view the digital files that relate to a group of files called "Trip to Italy 2011". The individual album or event view is illustrated in Fig. 4.

A location view, as shown in Fig. 5, identifies within an interactive map (Google map shown as an example), where digital files were taken or originated. The location view can also provide additional outputs such as a journey route that identifies the specific locations for an event or trip that can be customized by users.

A people view, as shown in Fig. 6, shows thumbnail photos of all the people in the system that can be clicked in for a people profile view. A people profile view, as shown in Fig. 7, shows a profile picture of an individual, their birth/death information, family relationships, overview (comments) on the person, as well as links to other views that contain that individual in the system.

A family tree view, as shown in Fig 8, can illustrate interactive family trees where one can see the family tree of an individual or family. If a user clicks on an individual within the family tree, it will take him or her to the people profile view of that person.

The timeline view, as shown in Fig. 9, will be an interactive timeline that allows you to set ranges of digital files by year, month and day. The digital files shown in the timeline will also be interactive and if the user clicks on a digital file or group of digital files (e.g., event or album), the user will then view the information related to the digital file(s).

A recipe view, as shown in Fig. 10, will show a recipe along with any digital files that are associated with it. For example, a cherished family recipe may show a digital copy of the original handwritten recipe, a photo of the family member who was the chef and a video of the family member making the recipe.

Each of the aforementioned views may also be seen in a chart format view that is interactive when any item on the chart is clicked, the user will them be taken to a new screen that details all relevant digital files (and file types) for the clicked item.

For album or event chart views, as shown in Figs. 11 and 12, the elements listed in those charts will include individuals who are part of each album/event, number of digital files, date and other pertinent information.

A people view, shown in Fig. 13, may demonstrate all the names of individuals that are in the system in an alphabetical listing. Such a people view can also contain details on each person such as the number of photos and videos that are associated with that person. The user can click on that person to pull up the profile view of the individual or click on the number of photos to see all the photos associated with that person.

In the family tree chart view, shown in Fig. 14, family lineage can be viewed in multiple ways. For example, a user can set himself as the tree anchor and then see a tree of all people entered into the database related to the user. The user could also set a contact as the tree anchor and then just view the descendants of that individual.

For a location chart view, as show in Fig. 15, listings of all the locations that are in the system are displayed along with the number of digital files, as well as names of

persons associated with each. A user can click on the location to see all the digital media files that are associated with a specific location.

A recipe chart, as shown in Fig. 16, can show recipes that uploaded to the system. Along with the ingredients and steps of each recipe, this view can identify the chef(s) name, number of photos and videos associated with each.

For any of the views, the user can click on the digital file to start a slideshow feature that will allow them to scroll through an enlarged view of the digital file as illustrated in Fig. 17.

Another aspect of the disclosure is the search filter. This filter allows users to select one or more criteria that will narrow down their results to just those digital files matching input criteria. The entire system can be filtered by, for example, key words (or plurality of key words), event names, location, people, albums, star rating, file type, document type, and dates. A user may filter based on more than one criterion at a time. To help users quickly identify digital files that may still need to be organized, the advanced search filter also allows users to isolate files that have no date, no location, no people, no specific date/range, no upload date information or are lacking any other tag.

It should be noted that in one embodiment, searching via key word will search through all tagged information (user populated or auto-generated upon import). For example, if a user searched for the term "Ohio," the system would search for that term associated with any file in any way. If the user had files with Ohio as a state, file name, street name, person's name, file comment, etc., all would be retrieved.

Settings applied in the advanced search filter can cumulatively carry over to any subsequent pages until new criteria are selected. For example, a user can apply a filter to retrieve files associated with a particular person. Then the user can set a date range to further narrow results to show only those files for that selected person within the date range. Any pages viewed from that point forward throughout the entire site would only contain files associated with person and the date range specified. The advanced search filter is illustrated in Fig. 18.

Yet another feature can be a user's homepage, as illustrated in Fig. 19, that can summarize the user's content within the system including relevant information in the system. It is contemplated that a user's homepage may show a summary of the total number of photos, videos, documents and audio files that the user has uploaded. In this embodiment, for each group of digital files (e.g., photos), the percent of files that has been organized with pertinent data such as date, name(s) and location can be noted. In addition, the homepage can show a list of people that are in the system and the respective count for photos, videos, documents and audio files associated with each person. Also contemplated is a summary of the events, albums and locations that have been entered into the system. The user homepage may serve as an executive summary dashboard of one's entire system and can be modified to provide data in an executive summary format for a user.

Another feature is that the entire system including the dynamic views can be presented in a wide range of user outputs - e.g. on the user's computer, smartphone or tablet display. The user may choose to present the digital files in any of the various types of ways disclosed herein. Other ways of outputting the files are also possible. The

user can create and modify various sharing rights so that third parties may view the files and if desired, provide comments, apply tags or even download/copy the files for their own use.

Still another embodiment can provide export functionality. Once a user has used the organization functionality to assign information to data file(s), a user may want to export the data file in its original form (e.g., .jpg, .mp4, etc.) with the tags embedded within the digital file in the form of EXIF tags. In other words, a user can export his or her entire set of digital files, or may choose a subset based on keywords and tags. The exported digital files can include key tags and attributes users have assigned, and in one embodiment, such tags and attributes can be embedded within the digital files. For example, each exported digital file may be imbedded with user-entered data such as the people, location, and event name. This feature will allow the users to back up their files to another source (e.g., external computer hard drive) or to transport it to another venue (e.g., another website that is used for viewing and/or sharing digital files such as a social media website) where it can be viewed with these attributes. This export feature can provide users with the advantage of never losing key data that was stored simply because the user chooses to move its digital files to a new digital archiving system.

A method is also disclosed. The method may include the steps of storing a digital file in a file repository, associating a plurality of digital tags having different tag types with the digital file, providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result, and providing a user-configurable output to display the search result. The digital tag types may include, for

example, a person's name, a location, a recipe, a date, a relationship between individuals, an event name, a rating, and a document type.

Under the disclosed method, access may be provided to the repository via the Internet. Relationships between users may also be tracked such that a family tree can be displayed. A recipe may also be linked to a user or person. Finally, the method may include the step of outputting a digital file and its associated digital tags into a single file.

While the disclosure is susceptible to various modifications and alternative forms, specific exemplary embodiments thereof have been shown by way of example in the drawings and have herein been described in detail. It should be understood, however, that there is no intent to limit the disclosure to the particular forms disclosed, but on the contrary, the intention is to cover all modifications, equivalents, and alternatives falling within the spirit and scope of the disclosure as defined by the appended claims.

A plurality of advantages arises from the various features of the present disclosure. It will be noted that alternative embodiments of various components of the disclosure may not include all of the features described yet still benefit from at least some of the advantages of such features. Those of ordinary skill in the art may readily devise their own implementations of a digital file organization system that incorporate one or more of the features of the present disclosure and fall within the spirit and scope of the disclosure.

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
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

WITHDRAWAL NOTICE

OC00000052920740

Date Mailed: 03/06/2012

Letter Regarding a New Notice and/or the Status of the Application

If a new notice or Filing Receipt is enclosed, applicant may disregard the previous notice mailed on 06/27/2011. The time period for reply runs from the mail date of the new notice. Within the time period for reply, applicant is required to file a reply in compliance with the requirements set forth in the new notice to avoid abandonment of the application.

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If the reply is not filed electronically via EFS-Web, the reply must be accompanied by a copy of the new notice.

If the Office previously granted a petition to withdraw the holding of abandonment or a petition to revive under 37 CFR 1.137, the status of the application has been returned to pending status.

/rmohamed/

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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

FORMALITIES LETTER

OC00000052920749

Date Mailed: 03/06/2012

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. 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. 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 required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

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If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/rmohamed/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/157,214

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	95		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	310		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	125		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*	x 30 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*	x 125 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	530		TOTAL	

APPLICATION AS AMENDED - PART II

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

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

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

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/157,214	06/09/2011		527	Memory-Webb	20	3

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

FILING RECEIPT

Date Mailed: 03/06/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christopher Desmond, Glen Ellyn, IL;
Nancy Desmond, Glen Ellyn, IL;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 06/20/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/157,214**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

Petitioner Apple Inc. - Ex. 1015, p. 74

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.	91105	
Art Unit:		
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	**DATED: MARCH 2012**
Title:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	
Inventors:	Christopher Desmond Nancy Desmond	
Filing Date:	09 Jun 2011	
Attorney Docket No.:	Memory-Webb	
Examiner:	n/a	

STATEMENT IN SUPPORT OF SUBMISSION IN RESPONSE TO NOTICE OF MISSING PARTS

MAIL STOP: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam,:

The following is submitted in response to the Notice of Missing Parts, dated June 27, 2011 as well as the Notice to File Corrected Application Papers dated March 6, 2012. According to the USPTO, the lines pacing on the specification, claims, and/or abstract were not 1 ½ or double spaced.

Petitioner Apple Inc. - Ex. 1015, p. 76

Applicant has previously submitted properly spaced substitute copies of the claims, the specification and the abstract on August 16, 2011. Applicant states and affirms that the substitute copies contain NO NEW MATTER. It is Applicant's belief that the substitute copies as well as the present statement adequately addresses the above Notice to File Missing Parts and the Notice to File Corrected Application Papers. However, it is respectfully requested that the Examiner contact the undersigned if anything further is deemed necessary.

Respectfully submitted,

/David Oskin/
David Oskin
Registration #58,863
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601
p: 312-890-2527
f: 312-277-9002
e: david@caliberip.com

Electronic Acknowledgement Receipt

EFS ID:	12244210
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	07-MAR-2012
Filing Date:	09-JUN-2011
Time Stamp:	13:31:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	Statement_No_New_Matter.pdf	16663 f4276f8b77ab3e8899478a2068ee087aca356f91	no	2

Warnings:	
Information:	

Total Files Size (in bytes):	16663

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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
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www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/157,214	06/09/2011		527	Memory-Webb	20	3

CONFIRMATION NO. 6707

UPDATED FILING RECEIPT

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

OC000000055902567

Date Mailed: 08/14/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christopher Desmond, Glen Ellyn, IL;
Nancy Desmond, Glen Ellyn, IL;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 06/20/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/157,214**

Projected Publication Date: 12/13/2012

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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Petitioner Apple Inc. - Ex. 1015, p. 81

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/157,214

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	95		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	310		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	125		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*	x 30 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*	x 125 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	530		TOTAL	

APPLICATION AS AMENDED - PART II

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb	6707

91105 7590 11/19/2012

Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

EXAMINER	
HICKS, MICHAEL J	
ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
11/19/2012	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@CALIBERIP.COM

Office Action Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *09 June 2011*.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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

5)☒ Claim(s) *1-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-20* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on *09 June 2011* 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).

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) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 Pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-7 and 13-20, the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Note that the claims do not specify any aspect of the claims which must be interpreted as being embodied on a hardware medium, and as such, the claims may be construed as a purely software system.

As per claims 8-12, under 35 USC § 101, a patentable process must (1) be tied to a particular apparatus or machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. See In re Bilski, 2007-1130 (Fed. Cir. 2008) slip op at 10-11 ("The Supreme Court, however, has enunciated a definitive test to determine whether a process claim is tailored narrowly enough to encompass only a particular application of a fundamental principle rather than to pre-empt the principle itself. A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing"). Independent claim 8 is not tied to a particular apparatus or machine because associating, searching, and displaying do not necessarily involve the use of a computer or machine. One skilled in the art could interpret data, tags, and output as data written out on paper. Therefore, claim 1 is not tied to a particular apparatus or machine. In addition, claim 8 does not transform the underlying subject matter (data) into a different state or thing. Thus, claims 8-12 are directed to a non-statutory

process. Claims 9-12, are dependent upon claim 8, do not add any limitations which correct the deficiencies of claim 8, and are therefore also similarly rejected.

Claim Rejections - 35 USC § 102

4. 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.

5. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005 and referred to hereinafter as Kustanowitz).

As per Claim 1, Kustanowitz discloses a web-based digital file storage system comprising: a digital file repository for storing and retrieving digital files (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a digital tagging system permitting the user to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); a search filter, wherein the search filter allows the digital files to be searched according to a plurality of types of data (See Sections 4.1, 4.3, 4.4 which clearly disclose that

images may be searched for based at least on data relating to a person, relationship, event, and date.); and a user interface that presents the digital files on a user's screen based on the digital tags (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.).

As per Claims 2, 9, and 14, Kustanowitz discloses the digital file repository is accessible over the Internet (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.).

As per Claim 3, Kustanowitz discloses the search system provides a user with the ability to search based on a plurality of types of data simultaneously (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Examiner notes that Section 4.3 includes functionality ofr searching based on multiple types of information (i.e. relationships between actors and movies in which they have appeared).).

As per Claims 4, 10, and 16, Kustanowitz discloses a system for tracking relationships between and among users and named persons, so that a family tree can be displayed (See Section 4.1 which clearly discloses that the tags may be used to track relationships which may be used to form a family tree or organizational chart.).

As per Claims 5, 11, and 17, Kustanowitz discloses a system for linking a recipe to at least one of a person's name, videos, photos, documents, and audio files (See

Section 2.1 which clearly discloses that free text annotations may be added to photos and Section 4.1 which indicates that the photos may be linked to names. Examiner asserts that the subject matter of a recipe does not affect the functionality of the system and as such is considered to be non-functional descriptive material. Examiner asserts that as free-text information may be associated with the names and photos, the limitation is sufficiently disclosed.).

As per Claims 6 and 18, Kustanowitz discloses the user interface is user-configurable (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

As per Claims 7, 12, and 19, Kustanowitz discloses the digital files and data can be exported as a single or multiple files (See Section 4.1 which clearly discloses that the files of the collection may be chosen for personal and professional use which indicates that single or multiple files may be exported for use in other applications.).

As per Claim 8, Kustanowitz discloses a method of storing digital files, the method comprising the steps of: storing a digital file in a file repository (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); associating a plurality of digital tags having different tag types with the digital file (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result (See Sections 4.1,

4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.); and providing a user-configurable output to display the search result (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.); wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.).

As per Claim 13, Kustanowitz discloses a web-based digital file storage system comprising: a digital file repository for storing and retrieving digital files (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a digital tagging system configured to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); and a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.).

As per Claims 15, Kustanowitz discloses the sorting system provides a user with the ability to search based on a plurality of digital tags (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.).

As per Claim 20, Kustanowitz discloses a user-configurable output to display the sorted files (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

References of Note

6. Examiner notes that references A, B, V, and W included in the attached form PTO-892 have been noted for relevance to the subject matter of the instant Application, however have not been cited in a rejection of the claims.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 9:00a - 5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Hicks/
Primary Examiner
Art Unit 2165
Phone: (571) 272-2670
Fax: (571) 273-2670

Notice of References Cited	Application/Control No. 13/157,214	Applicant(s)/Patent Under Reexamination DESMOND ET AL.	
	Examiner MICHAEL HICKS	Art Unit 2165	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-8,150,844 B2	04-2012	Redstone et al.	707/724
*	B	US-7,480,669 B2	01-2009	Lo et al.	1/1
	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	Kustanowitz et al., "Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005
	V	Miller et al., "Give and take: a study of consumer photo-sharing culture and practice", CHI '07 Proceedings of the SIGCHI Conference on Human Factors in Computing Systems, Pages 347-356, 2007
	W	Ames et al., "Why we tag: motivations for annotation in mobile and online media", CHI '07 Proceedings of the SIGCHI Conference on Human Factors in Computing Systems, Pages 971-980, ACM, 2007
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	**Art Unit**
	MICHAEL HICKS	2165

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

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

CLAIM		DATE								
Final	Original	11/13/2012								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
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	14	✓								
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	16	✓								
	17	✓								
	18	✓								
	19	✓								
	20	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	Art Unit
	MICHAEL HICKS	2165

SEARCHED			
Class	Subclass	Date	Examiner
707	706, 736 (Limited Text)	11/13/2012	mjh

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	11/13/2012	mjh
Double Patenting Search	11/13/2012	mjh
East Search (See Attached)	11/13/2012	mjh
NPL Search (See Attached)	11/13/2012	mjh

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/M.H./ Primary Examiner.Art Unit 2165

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web based file system with tagging and sharing family tree

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Legal documents

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Since 2008
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Sort by relevance
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include patents
include citations

Create alert

Give and take: a study of consumer photo-sharing culture and practice [PDF] from takebay.net
AD Miller, WK Edwards - Proceedings of the SIGCHI conference on ..., 2007 - dl.acm.org
... I felt I had more control over [the OS **file system**] and I knew where to find ... such as e-mail, personal galleries, blogs, **web** photo services, and other **web** communities, such ... share mostly through that." Kodak Culture participants also chose their **sharing** method **based** on perceived ...
Cited by 158 Related articles BL Direct All 16 versions Cite

..... The 3rd International Semantic Web Conference, LNCS 3298, pp. 107-121. Adamic, LA and Huberman, BA (2000). Power-law distribution of the World Wide Web. ... [PDF] from arxiv.org
R Albert, H Jeong, AL Barabasi - Nature, 1999 - World Scientific
... Integrating Semantic-**Based** Access Mechanisms with Peer-to-Peer **File System**, Proceedings of the ... layers, 166 semantic localization, 176 semantic space, 81 semantic **web**, 10 semantics ... SLN abstraction, 116 SLN normalization, 86 SLN schema, 137 SLN-**based** image retrieval ...
Cited by 3461 Related articles BL Direct All 72 versions Cite

Usage patterns of collaborative tagging systems [PDF] from arxiv.org
SA Golder, BA Huberman - Journal of information science, 2006 - jis.sagepub.com
... In contrast to a hierarchical **file system**, a non-exclus- ive, flat **tagging system** could, unlike the ... less a problem because homonyms can be largely ruled out in a tag- **based** search through ... they may then begin bookmarking **web** pages; each bookmark records the **web** page's URL ...
Cited by 1933 Related articles All 61 versions Cite

Personal information management vs. resource sharing: Towards a model of information behaviour in social tagging systems [PDF] from uni-regensburg.de
M Heckner, M Heilemann, C Wolff - Int'l AAAI conference on weblogs and ..., 2009 - aaai.org
... I prefer using flickr rather than just emailing the **file** because it's quicker. ... Retrieve items (independent of the intention of the uploading user) can be retrieved and viewed by all **web** users (indicated by number 2). Browsing can be ... **Based** on quantitative data, no significant 47 ...
Cited by 25 Related articles All 9 versions Cite

The PIR integrated protein databases and data retrieval system [PDF] from georgetown.edu
H Huang, ZZ Hu, BE Suzek, CH Wu - Data science journal, 2004 - J-STAGE
... working principles are detailed in the document, A Proposal for the PIRSF Classification **System**, available from the PIR **web** site (Protein ... heavily used files are stored in local disks, the rest are moved to disks mounted from Linux-**based** network **file system** (NFS) servers ...
Cited by 9 Related articles All 5 versions Cite

GeneCensus: genome comparisons in terms of metabolic pathway activity and protein family sharing [HTML] from nih.gov
J Lin, J Qian, D Greenbaum, P Bertone - Nucleic acids ..., 2002 - Oxford Univ Press
... top bar, which is maintained throughout the site, provides a search option, a help **file** and links to ... To manipulate the view of the data on the **web** page we provide a menu bar to ... Finally, links are provided to the TreeViewer wherein the user can view trees **based** on that particular ...
Cited by 21 Related articles BL Direct All 22 versions Cite

[BOOK] Tagging: People-powered metadata for the social web
G Smith - 2008 - books.google.com
... You've now done five things: 1 First, you've created a way to browse your own collection of books **based** on your own language and interests. ... At its most basic level, **tagging** is a feature that makes these **Web** sites more useful ... Or it's like a **file system** without any files. ...
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[HTML] Social bookmarking tools (I) [HTML] from dlib.org
T Hammond, T Hannay, B Lund, J Scott - D-lib Magazine, 2005 - dlib.org
... a feature called Hotlists, which, while still hierarchical and aping the common **file system** paradigm of ... One particularly creative **tagging** application is, 'Phonetags', a **system** created by the BBC and ... out the wheat from the chaff is an important win over a **web**-**based** search engine. ...
Cited by 590 Related articles All 17 versions Cite More

Towards a rich-context participatory cyberenvironment [PDF] from rit.edu
Y Liu, RE McGrath, JD Myers - International Workshop on ..., 2007 - library.rit.edu
... to display both in Google Maps and publish and share the result as a KML **file**. ... Content-**based** mashup entails the use of lightweight, extensible means of producing and **sharing** metadata ... While the **Web** 2.0 has fostered mass personalization and personal socializing, we seek to ...
Cited by 11 Related articles All 26 versions Cite

[BOOK] An introduction to search engines and Web navigation
M Levene - 2006 - Wiley Online Library
... 9.3.3 Hybrid P2P Networks 330 9.3.4 Distributed Hash Tables 331 9.3.5 BitTorrent **File** Distribution 331 ... 388 9.8.10 Clustering and Classifying Tags 389 9.9 Opinion Mining 390 9.9.1 Feature-**Based** Opinion Mining ... please let me know so that I can list them on the book's **web** site. ...
Cited by 77 Related articles All 10 versions Cite More

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Using Social Networking Tools to Promote **Genealogy** and Local History Collections and to Instruct Researchers in Their Use [PDF] from ifla.org
D Smith - World Library and Information Congress: 76th ifla ..., 2010 - works.bepress.com
... the United States uploaded photos to Flickr of its Tenth Annual Regional **Genealogy** Fair held ... collection, or already creating new photos during library events, using a **photo**-**sharing** service requires ... If an historic **photo** has not yet been digitized, more significant amounts of staff ...
Cited by 1 Related articles All 4 versions Cite

[PDF] Motivating annotation for personal digital **photo** libraries: Lowering barriers while raising incentives [PDF] from umd.edu
J Kustanowitz, B Shneiderman - University of Maryland, 2005 - cs.umd.edu
... To be effective, annotation needs to facilitate the goals of **photo sharing** in general, which can be ... into the digital realm as: Remote **Sharing**, Sending, Archiving, and Co-Present **Sharing** [9]. It also ... With the ability to read GEDCOM [10] files (XML standard for **genealogy**), even the ...
Cited by 31 Related articles All 6 versions Cite More

[BOOK] Introduction to neogeography [PDF] from ox.ac.uk
A Turner - 2006 - books.google.com
... site; how to pinpoint the locations of your online visitors; how to create **genealogical** maps and ... Neogeography is about **sharing** location information with friends and visitors, helping shape context, and ... Never again will you struggle to recall "Where was that **photo** taken?" Basic ...
Cited by 247 Related articles All 7 versions Cite More

[PDF] Going Digital--Develop a plan of action [PDF] from logsll.org
GEN Records, GEN GEN--English - 2011 - logsll.org
... PNG Small file size and good for **sharing**, but is easily corruptible. ... Creating & Editing Digital Photos -- http://**genealogy**.about.com/cs/digitalphoto/a/digital_photos.htm Introduction to **photo** scanning -- http://www.hp.com/united- states/consumer/digital_photography ...
Related articles All 3 versions Cite More

Digital curiosities: resource creation via amateur digitization
M Terras - Literary and Linguistic Computing, 2010 - ALLC
... family history and **genealogical** material---this is deliberately not covered here as there is already much focus on online **genealogy** elsewhere (see ... Web 2.0 technologies, with their easy to use platforms (such as blogs, wikis, and **photo** hosting and **sharing**) enable users ...
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[CITATION] From spectator to annotator: possibilities offered by user-generated metadata for digital cultural heritage collections
S van Hooland - Proceedings CILIP Cataloguing & Indexing Group ..., 2006
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Flickr distance [PDF] from googlecode.com

L Wu, XS Hua, N Yu, WY Ma, S Li - Proceedings of the 16th ACM ..., 2008 - dl.acm.org
... Luckily, the on-line **photo sharing** website Flickr meets both conditions. ... To analyze the concept correlation in the large Flickr **photo** pool, visual language model (VLM), an efficient vi- sual statistical analysis method, is adopted. ... **Tag**: Motorbike **Tag**: Car ...
Cited by 109 Related articles All 9 versions Cite

[PDF] Spectator becomes annotator: Possibilities offered by user-generated metadata for image databases [PDF] from rclis.org
S Van Hooland - 2006 - eprints.rclis.org
... of this type of outsourcing was carried out for the Central Bureau of **Genealogy** of the ... subselection of an image by users on the Flickr **photo sharing** site is exemplarily for this ... comments are partially based on information intrin- sically related to the person performing the **tagging**. ...
Cited by 12 Related articles All 9 versions Cite More

Upper tag ontology for integrating social tagging data [PDF] from arxiv.org
Y Ding, EK Jacob, M Fried, I Toma... - Journal of the ..., 2010 - Wiley Online Library
... Wide Web Consortium (W3C) have undertaken extensive efforts intended to specify, develop, and deploy standards for the **sharing** of semantics. ... It can be a bookmark (URL), **photo**, video, etc. ... is a statement added to an Object or a **Tag** by a Tagger during the activity of **Tagging**. ...
Cited by 16 Related articles All 13 versions Cite

Motivating Annotation for Digital Photographs: Lowering Barriers While Raising Incentives (2004) [PDF] from umd.edu
J Kustanowitz, B Shneiderman - 2005 - drum.lib.umd.edu
... To be effective, annotation needs to facilitate the goals of **photo sharing** in general, which can be ... into the digital realm as: Remote **Sharing**, Sending, Archiving, and Co-Present **Sharing** [9]. It also ... With the ability to read GEDCOM [10] files (XML standard for **genealogy**), even the ...
All 7 versions Cite

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Petitioner Apple Inc. - Ex. 1015, p. 100

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	4096	desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:01
L2	4	desmond.in. tag$3 (family same tree$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:02
L3	1	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:03
L4	18	desmond.in. tag$3 (photo$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:04
L5	17135	(photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:05
L6	78	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:05
L7	8252	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:06
L8	54	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:06
L9	5781	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or	US-PGPUB; USPAT;	AND	OFF	2012/11/13 19:06

		database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
L10	44	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
L11	550	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
L12	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
L13	154	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:08
L14	0	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:09
L15	3	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3) (export$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:09

EAST Search History (Interference)

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

PUBLICATION NOTICE

OC000000058144781

Title:METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

Publication No.US-2012-0317111-A1
Publication Date:12/13/2012

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:	2165	
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	
Title:	Method and Application for Managing Digital Files	**DATED: 19 February 2013**
Inventors:	Desmond, Christopher et al.	
Filing Date:	9 June 2011	
Attorney Docket No.:	MW 1	
Examiner:	Jennings, Michael Deangilo	

RESPONSE TO OFFICE ACTION

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted in response to the Office Action dated 18 November 2012.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENT OF CLAIMS

Applicant respectfully submits the following proposed amended claims. It is believed that this proposed amendment places the Application in condition for allowance, as Applicant sets forth in the Remarks section below. A clean copy of the claims is submitted herewith as Appendix A.

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags within the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data embedded as digital tags within the digital files; and

   a user interface that presents the digital files on a user's screen based on user input.

2. (Original) The storage system of claim 1, wherein the digital file repository is accessible over the Internet.

3. (Original) The storage system of claim 1, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.
4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Original) The storage system of claim 1, wherein the digital files and data can be exported as a single file.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of digital tag types and provides a search result; and

   providing a user-configurable output to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type, and such digital tags types are embedded on the digital photograph.

9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Original) The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; and

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags embedded within the digital files.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.
18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.
19. (Original) The storage system of claim 13, wherein the digital files and data can be exported as a single file.
20. (Original) The storage system of claim 13, further comprising a user-configurable display.

REMARKS

The Examiner is thanked for his time on both February 15, 2013 and February 19, 2013.

Rejections Under 35 U.S.C. §101

In response to the Examiner's comments, Applicant respectfully submits the attached Amended Claims. As can be seen herein, the claim amendments were made pursuant to Examiner's suggestions on February 15, 2013, and claims 1-20 are now believed to be in a form that overcomes the Examiner's rejection under §101.

Rejections Under 35 U.S.C. §102

In response to the Examiner's comments regarding anticipation, Applicant responds as follows. The Examiner has cited Kustanowitz as the primary reference for anticipation. As the Examiner notes, Kustanowitz discloses a web-based digital file storage system. As the title suggests, Kustanowitz discusses and emphasizes a means for annotating digital files, such as photographs.

Significantly, Kustanowitz does not disclose anywhere the manner in which the presently claimed application embeds these annotations: that is, by embedding digital tags directly within the digital file. This limitation appears in all of the Amended Claims.

Moreover, Kustanowitz does not disclose anywhere the ability to simultaneously search for a plurality of digital tags that are embedded within the digital files. In contrast, Kustanowitz discloses separate "applications" that each define a separate purpose for annotation. And these applications do not appear to search for embedded digital tags. Nowhere does Kustanowitz disclose a "search function that permits simultaneous

searching by a plurality of digital tag types," as required (in various forms) by the Amended Claims.

Finally Kustanowitz does not disclose anywhere the claimed feature of allowing for the digital files to be exported with the plurality of digital tags embedded on the digital files. This claimed feature is found in Amended Claim 13. In contrast, Kustanowitz does not disclose exporting at all.

For at these reasons, Applicant asserts that claims 1-20 are allowable in their present for, and respectfully requests the Examiner's withdrawal of his rejections. Should the Examiner wish to discuss this further, he is welcomed to call the undersigned.

Respectfully submitted,

/David Oskin/
312.890.2527

APPENDIX A
Clean Copy of the Claims

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags within the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data embedded as digital tags within the digital files; and

   a user interface that presents the digital files on a user's screen based on user input.

2. (Original) The storage system of claim 1, wherein the digital file repository is accessible over the Internet.
3. (Original) The storage system of claim 1, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.
4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Original) The storage system of claim 1, wherein the digital files and data can be exported as a single file.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of digital tag types and provides a search result; and

   providing a user-configurable output to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type, and such digital tags types are embedded on the digital photograph.
9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.
10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.
11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Original) The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; and

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags embedded within the digital files.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Original) The storage system of claim 13, wherein the digital files and data can be exported as a single file.

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

Electronic Acknowledgement Receipt

EFS ID:	14997365
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	19-FEB-2013
Filing Date:	09-JUN-2011
Time Stamp:	21:27:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Response_02192013.pdf	41136 3ce2b485f6eb2b2a8bf2c075989d59b666178e6f	no	11

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PATENT APPLICATION FEE DETERMINATION RECORD

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Application or Docket Number	Filing Date	☐ To be Mailed
13/157,214	06/09/2011	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT	02/19/2013	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $31 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $125 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

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

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Legal Instrument Examiner:
/SHEILA CHAPMAN/

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13/157,214	06/09/2011	Christopher Desmond	Memory-Webb	6707

91105 7590 02/25/2013

Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
02/25/2013	ELECTRONIC

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Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*. (3)_____.

(2) *David Oskin*. (4)_____.

Date of Interview: *19 February 2013*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☒102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *Kuasstanowitz*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant presented arguments regarding the tagging elements of the claims, specifically intended to indicate that the tags are embedded into the files themselves and further noted that limitations specifying that the search was capable of searching multiple dimensions of data (e.g. person and timeframe) may be introduced. Examiner noted that each of the additional presented limitations was represented in the prior art and that, while it may be possible to combine the argued aspects such that a 102 rejection may be overcome, it was likely that an appropriate 103 rejection could be formed. No agreement as to the allowability of the claims was reached.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/ Primary Examiner, Art Unit 2165	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb	6707

91105 7590 04/03/2013

Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

EXAMINER	
HICKS, MICHAEL J	
ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
04/03/2013	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@CALIBERIP.COM

Office Action Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *25 February 2013*.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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

5)☒ Claim(s) *1-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-20* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

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) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 Pending.

Response to Arguments

2. Applicant's arguments, see response, filed 02/25/2013, with respect to the rejection(s) of claim(s) 1-20 under USC 101 and USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the previously cited art of Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005) and the newly cited art of Rhoads et al. (U.S. Patent Number 7,372,976, Issued 05/13/2008, Filed 08/22/2006).

Examiner notes that each of Applicant's arguments deals directly with the newly introduced claim limitations. As such, the rejection will be updated to reflect the amendments made to the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005 and referred to hereinafter as Kustanowitz) in view of Rhoads et al. (U.S. Patent Number 7,372,976, Issued 05/13/2008, Filed 08/22/2006 and referred to hereinafter as Rhoads).

As per Claim 1, Kustanowitz discloses a web-based digital file storage system comprising: a digital file repository for storing and retrieving digital files (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a processor coupled to the digital file repository (Examiner notes that, as the media is embodied by digital files, a processer is necessary in order to perform operation on the files, such as the annotation operation of Section 2.1.); a digital tagging system permitting the user to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); a search filter, wherein the search filter allows the digital files to be searched according to a plurality of types of data (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.); and a user interface that presents the digital files on a user's screen based on the digital tags (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.).

Kustanowitz fails to disclose that the tags are embedded within the digital files.

Rhoads discloses that the tags are embedded within the digital files (See Column 7, Lines 27-52 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the tags are embedded within the digital files with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claims 2, 9, and 14, Kustanowitz discloses the digital file repository is accessible over the Internet (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.).

As per Claim 3, Kustanowitz discloses the search system provides a user with the ability to search based on a plurality of types of data simultaneously (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Examiner notes that Section 4.3 includes functionality for searching based on multiple types of information (i.e. relationships between actors and movies in which they have appeared).).

As per Claims 4, 10, and 16, Kustanowitz discloses a system for tracking relationships between and among users and named persons, so that a family tree can be displayed (See Section 4.1 which clearly discloses that the tags may be used to track relationships which may be used to form a family tree or organizational chart.).

As per Claims 5, 11, and 17, Kustanowitz discloses a system for linking a recipe to at least one of a person's name, videos, photos, documents, and audio files (See Section 2.1 which clearly discloses that free text annotations may be added to photos and Section 4.1 which indicates that the photos may be linked to names. Examiner asserts that the subject matter of a recipe does not affect the functionality of the system and as such is considered to be non-functional descriptive material. Examiner asserts that as free-text information may be associated with the names and photos, the limitation is sufficiently disclosed.).

As per Claims 6 and 18, Kustanowitz discloses the user interface is user-configurable (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

As per Claims 7, 12, and 19, Kustanowitz discloses the digital files and data can be exported as a single or multiple files (See Section 4.1 which clearly discloses that the files of the collection may be chosen for personal and professional use which indicates that single or multiple files may be exported for use in other applications.).

As per Claim 8, Kustanowitz discloses a computer-implemented method of storing digital files, the method comprising the steps of: storing a digital file in a file repository (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); associating a plurality of digital tags having different tag types with the digital file (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); providing a search function that permits searching by a plurality of digital tag types and provides a search result (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.); and providing a user-configurable output to display the search result (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.); wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.).

Kustanowitz fails to disclose that the searching of tag types simultaneously searches a plurality of tag types and that digital tag types are embedded on the digital photographs.

Rhoads discloses that the searching of tag types simultaneously searches a plurality of tag types (See Column 7, Lines 27-52 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to

enable the creation of a searchable index based on the metadata. Examiner notes that all the tags are indexed and as such are simultaneously searchable.) and that digital tag types are embedded on the digital photographs (See Column 7, Lines 27-52 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the searching of tag types simultaneously searches a plurality of tag types and that digital tag types are embedded on the digital photographs with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claim 13, Kustanowitz discloses a web-based digital file storage system comprising: a digital file repository for storing and retrieving digital files (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a processor coupled to the digital file repository (Examiner notes that, as the media is embodied by digital files, a processer is necessary in order to perform operation on the files, such as the annotation operation of Section 2.1.); a digital tagging system configured to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates,

relationships, and categories.); and a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.).

Kustanowitz fails to disclose that that the file may be exported with the plurality of digital tags are embedded within the digital files.

Rhoads discloses that that the file may be exported with the plurality of digital tags are embedded within the digital files (See Column 7, Lines 27-52 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 9, Lines 50-67 and Column 10, Lines 1-11 which indicate that files may be fetched by (i.e. exported to) other computers within a network. Examiner notes that, if the metadata is embedded in the files, the metadata will be exported as part of the file during an export operation.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that that the file may be exported with the plurality of digital tags are embedded within the digital files with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claims 15, Kustanowitz discloses the sorting system provides a user with the ability to search based on a plurality of digital tags (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.).

As per Claim 20, Kustanowitz discloses a user-configurable output to display the sorted files (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL HICKS whose telephone number is (571)272-2670. The examiner can normally be reached on M-F 9:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Hicks/
Primary Examiner
Art Unit 2165
Phone: (571)272-2670
Fax: (571)272-2670

Notice of References Cited	Application/Control No. 13/157,214	Applicant(s)/Patent Under Reexamination DESMOND ET AL.	
	Examiner MICHAEL HICKS	Art Unit 2165	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,372,976	05-2008	Rhoads et al.	382/100
	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.

Web Images More... Sign in

embedding tags into media search by tag and file type

Scholar About 19,100 results (0.07 sec) My Citations

Articles
Legal documents

Any time
Since 2013
Since 2012
Since 2009
Custom range...

Sort by relevance
Sort by date

include patents
include citations

Create alert

Digital asset management and linking media signals with related data using watermarks
KC Jones, CK Aggson, TF Rodriguez, B Mosher... - US Patent ..., 2008 - Google Patents
... The **media** content is 60 maintained as a collection of **media** files (eg, still image, audio ... 35 The reader extracts a watermark message **embedded** in the content within the **file** and ... scenario, the functionality of the reader appli- cation described above is incorporated **into** an Internet ...
Cited by 115 Related articles All 4 versions Cite

Method and apparatus for uploading, indexing, analyzing, and searching media content
EM Hoffert, K Cremin, A Ali, SR Smoot... - US Patent 6,374,260, 2002 - Google Patents
... In this embodiment, the following **tags** are scanned for: tables (single row and multi-row ... document URL for the HTML document containing the **media file** reference keywords **embedded** in the ... block 223 add all relevant content attributes and header informa- tion **into** the **media** ...
Cited by 152 Related articles All 2 versions Cite

Indexing of media content on a network
EM Hoffert, K Cremin, A Ali, SR Smoot - US Patent 5,903,892, 1999 - Google Patents
... A method and apparatus for searching for multimedia files in a distributed database and for displaying results of the **search** based on ... Page 3. US Patent 5,903,892 May 11,1999 Sheet 2 of 17 **MEDIA** INDEXING CRAWL HTML TO LOCATE **MEDIA** FILES AND LOCATE LEXICAL ...
Cited by 177 Related articles All 2 versions Cite

Evaluation of media content in media files
EM Hoffert, K Cremin, L Degen - US Patent 5,983,176, 1999 - Google Patents
... [54] EVALUATION OF **MEDIA** CONTENT IN **MEDIA** FILES [75 ... CI.6 G10L 5/06; G10L 9/00 [52] US CI 704/233; 704/231; 704/236 [58] Field of **Search** 704/233, 231, 704/236 [56] References Cited US PATENT DOCUMENTS 4,829,578 5/1989 Roberts 704/233 5,298,674 3/1994 ...
Cited by 119 Related articles All 2 versions Cite

Content indexing and searching using content identifiers and associated metadata
GB Rhoads, KL Levy - US Patent 7,372,976, 2008 - Google Patents
... 09/571,422, and incorporated by refer- ence **into** this patent application ... describes systems and processes for content **search**- ing and indexing that employ imperceptibly **embedded** watermark data ... 10 These systems are based upon metadata **tags** in the **file** headers or footers, or ...
Cited by 74 Related articles All 4 versions Cite

... WIDE WEB (WWW) AT WHICH CONSUMER PRODUCT INFORMATION REQUEST (CPIR) ENABLING SERVLET TAGS ARE EMBEDDED WITHIN HTML-ENCODED ...
TJ Perkowski - US Patent 6,625,581, 2003 - Google Patents
... WORLD WIDE WEB (WWW) AT WHICH CONSUMER PRODUCT INFORMATION REQUEST (CPIR) ENABLING SERVLET **TAGS** ARE **EMBEDDED** WITHIN HTML ... on next page.) OTHER PUBLICATIONS IDOC's, Linking the worlds of print and electronic **media**, dated Sep. ...
Cited by 181 Related articles All 2 versions Cite

Connected audio and other media objects
KL Levy, GB Rhoads - US Patent 6,505,160, 2003 - Google Patents
... FIG. 2 shows two **embedding** scenarios. ... The second is a **file** ripping process where a programmed computer or other device extracts an audio object from packaged **media** such as a CD and converts it **into** a coded **file** format like MP3. ...
Cited by 349 Related articles All 2 versions Cite

Automated processing and delivery of media to web servers
C Samaniego, H Nelson, AD Thewlis ... - US Patent ..., 2004 - Google Patents
... image is removed, and the display device is reformatted to display the **embedded** graphical image ... hyper- text document may be edited, the data processing system inserting **tags into** the data ... editable by an editor and the data processing system removing the **tags**, generating a ...
Cited by 122 Related articles All 2 versions Cite

Methods and apparatus for indexing and searching of multi-media web pages
R Chatterjee, S Mavris - US Patent 7,162,691, 2007 - Google Patents
... mapped links to other web pages), "<frame" (web pages loaded **into** frames), "<**embed**" (audio or ... **tag** con- taining a protocol and pathname, "local" URLs found within **tags** may be ... include additional information which describes how the **media** content is integrated **into** the web ...
Cited by 23 Related articles All 2 versions Cite

Indexing of media content on a network
EM Hoffert, K Cremin, A Ali, SR Smoot - US Patent 6,332,549, 2001 - Google Patents
... 57) ABSTRACT A method and apparatus for searching for multimedia files in a distributed database and for displaying results of the **search** based on the context and content of the multimedia files. 41 Claims, 17 Drawing Sheets CRAWLING HTML TO LOCATE **MEDIA** FILES \ ...

Cited by 58 Related articles All 2 versions Cite

Create alert

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	**Art Unit**
	MICHAEL HICKS	2165

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

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

CLAIM		DATE								
Final	Original	11/13/2012	03/13/2013							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
	13	✓	✓							
	14	✓	✓							
	15	✓	✓							
	16	✓	✓							
	17	✓	✓							
	18	✓	✓							
	19	✓	✓							
	20	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	Art Unit
	MICHAEL HICKS	2165

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
707	706, 736 (Limited Text)	11/13/2012	mjh

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	11/13/2012	mjh
Double Patenting Search	11/13/2012	mjh
East Search (See Attached)	11/13/2012	mjh
NPL Search (See Attached)	11/13/2012	mjh
Updated NPL Search (See Attached)	3/13/2013	mjh
Review of Previously Identified Art	3/13/2013	mjh

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/M.H./ Primary Examiner.Art Unit 2165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:	2165	
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	
Title:	Method and Application for Managing Digital Files	**DATED: 3 July 2013**
Inventors:	Desmond, Christopher et al.	
Filing Date:	9 June 2011	
Attorney Docket No.:	MW 1	
Examiner:	Hicks, Michael J.	

RESPONSE TO OFFICE ACTION

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted in response to the Office Action dated 3 April 2013.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENT OF CLAIMS

Applicant respectfully submits the following proposed amended claims. It is believed that this proposed amendment places the Application in condition for allowance, as Applicant sets forth in the Remarks section below. A clean copy of the claims is submitted herewith as Appendix A.

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user; wherein the single user interface [that] presents both the sorting system and the sorted digital files [on a user's screen based on user input]; and

   wherein a user enters the embedded tag data using the interface.

2. (Currently Amended) The storage system of claim 1, wherein [the digital file repository is accessible over the Internet] in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.
3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user [sorting system provides a user with the ability to search based on a plurality of digital tags].
4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Currently Amended) The storage system of claim 1, wherein the digital files [and data] including the embedded digital tags can be exported as a single file in the file's original form.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of digital tag types and provides a search result; and

providing a user-configurable [output] interface to simultaneously permit use of the search function and to display the search result;

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file in the file's original form.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; [and]

a sorting system, wherein the sorting system allows the digital files to be sorted

according to a plurality of types of data and to be exported with the plurality of digital tags [i]embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in the underlying digital file using the interface.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Currently Amended) The storage system of claim 13, wherein the digital files and data can be exported as a single file in the file's original form.

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

REMARKS

Rejections Under 35 U.S.C. §103

In response to the Examiner's comments regarding obviousness, Applicant responds as follows.

Applicant has once again amended the claims to further clarify that which Applicant believes to be patentable over the cited art. No new matter is added by way of this amendment. As previously noted and further discussed herein, Applicant believes the present claims are distinguishable over the Kustanowitz reference for several reasons.

First, it is noted that Kustanowitz does not provide a sorting system that allows the digital files to be sorted according to a *plurality* of types of data. Kustanowitz discloses sorting by only a single type of data at a time. Kustanowitz would therefore be deficient when used for digital photos and the like, in which there are often numerous types of data that must be stored, and in which an ideal system would allow multiple types of data to be searched at once.

Another advantage of the presently claimed sorting system is the ability of a user to modify a search and navigate to other files by clicking on the digital tags themselves. This feature is claimed in the presently amended Claim 2. In contrast to that disclosed in Kustanowitz, which is limited to file size data, the present invention provides for easy search modification by utilizing clickable digital tags that initiate a search using that tag as a key term. For example, in a search result according to the present invention, a user may see a photo that has the following digital tags: "2011," "Tom," "North Carolina." If a user clicks on any one of those digital tags, a search would be initiated using that tag as

a keyword. This creates a more user friendly experience, and greatly facilitates searching through large numbers of files.

Moreover, Kustanowitz does not allow a user to embed data tags on the original, underlying file. This is a further claimed feature that provides a significantly improved user experience. In contrast to Kustanowitz, the presently claimed invention allows a user to import files, assign and save digital tags *to those imported files,* and then export the files – with the embedded digital tags – in the same format as the original file. This feature provides a user with the maximum portability and compatibility with other programs. Unlike Rhodes, which is suggested as contemplating embedded digital tags, the presently claimed invention does not utilize an invisible or proprietary catalog that is readable only by the host system. Rather, the present invention utilizes the underlying file type to store further information about the file, giving a user maximum compatibility and portability.

All of the above claimed features are distinguishable over the cited art, and provide significant features that are not contemplated by Kustanowitz or Rhodes. For at least these reasons, Applicant respectfully submits that the presently amended claims are allowable over the cited art.

Applicant therefore respectfully requests the Examiner's withdrawal of his rejections. Should the Examiner wish to discuss this further or if the Examiner believes an Examiner's amendment would place some of the claims in condition for allowance, he is welcomed to call the undersigned.

Respectfully submitted,

/David Oskin/
312.890.2527

APPENDIX A
Clean Copy of the Claims

1. A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user;

   wherein the single user interface presents both the sorting system and the sorted digital files; and

   wherein a user enters the embedded tag data using the interface.

2. The storage system of claim 1, wherein in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.

3. The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user.

4. The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. The storage system of claim 1, wherein the user interface is user-configurable.
7. The storage system of claim 1, wherein the digital files including the embedded digital tags can be exported as a single file in the file's original form.
8. A computer-implemented_method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of digital tag types and provides a search result; and

   providing a user-configurable interface to simultaneously permit use of the search function and to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.
9. The method of claim 8, further comprising the step of providing access to the file repository via the Internet.
10. The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.
11. The method of claim 8, further comprising the step of linking a recipe to a user.

12. The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file in the file's original form.

13. A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in the underlying digital file using the interface.

14. The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. The storage system of claim 13, further comprising a system for linking a recipe to a person's name.
18. The storage system of claim 13, wherein the user interface is user-configurable.
19. The storage system of claim 13, wherein the digital files and data can be exported as a single file in the file's original form.
20. The storage system of claim 13, further comprising a user-configurable display.

Electronic Acknowledgement Receipt

EFS ID:	16237719
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	03-JUL-2013
Filing Date:	09-JUN-2011
Time Stamp:	22:13:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response After Final Action	Response_July-3_final.pdf	47905 6c0cd649265f031ac20e31435de9076fd5a8a160	no	12

Warnings:	
Information:	

Total Files Size (in bytes):	47905

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **07/03/2013**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/DALE A. HALL/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb	6707

91105 7590 07/10/2013

Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
07/10/2013	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@CALIBERIP.COM

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 13/157,214	**Applicant(s)** DESMOND ET AL.
	Examiner MICHAEL HICKS	**Art Unit** 2165

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

THE REPLY FILED 03 July 2013 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance;

(2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

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.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). 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) or (c) 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).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, 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: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

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.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

STATUS OF CLAIMS

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

Claim(s) allowed: .
Claim(s) objected to: .
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: .

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

Continuation of 3. NOTE: Examiner notes that the newly presented claim limitations have not appeared in any previous version of the claims and therefore require further search and consideration on the merits.

Continuation of 11. does NOT place the application in condition for allowance because: Examiner notes that the only one of Applicant's arguments that does not directly rely on the non-entered claim amendments is Applicant's assertion that the system of Kustanowitz fails to teach a search filter that allows for the digital files to be searched according to to a plurality of data types. Examiner notes that a "data type" is defined, by the claims, as being descritptive of a type of information of the data, and is not limited to a file type. Examiner further notes that Section 4.1 clearly described filtering and searching operation which are performed by identifying data which includes family relationship data, generational data, and date data. As such, Examiner asserts that, even in the absence of the disclosure of further cited Sections 4.3 and 4.4, Section 4.1 clearly discloses the ability to apply a search filter to a group of documents to search the documents by at least a data type consisting of date and relationship. Examiner further notes that this disclosure further indicates the data can be sorted by such disclosed data types (See Figure 2). Further See Section 4.4 for disclosure of sorting based on dates and events.

Petitioner Apple Inc. - Ex. 1015, p. 154

DO NOT ENTER: /M.H./

07/05/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:	2165	
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	
Title:	Method and Application for Managing Digital Files	**DATED: 3 July 2013**
Inventors:	Desmond, Christopher et al.	
Filing Date:	9 June 2011	
Attorney Docket No.:	MW 1	
Examiner:	Hicks, Michael J.	

RESPONSE TO OFFICE ACTION

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted in response to the Office Action dated 3 April 2013.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENT OF CLAIMS

Applicant respectfully submits the following proposed amended claims. It is believed that this proposed amendment places the Application in condition for allowance, as Applicant sets forth in the Remarks section below. A clean copy of the claims is submitted herewith as Appendix A.

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user; wherein the single user interface [that] presents both the sorting system and the sorted digital files [on a user's screen based on user input]; and

   wherein a user enters the embedded tag data using the interface.

2. (Currently Amended) The storage system of claim 1, wherein [the digital file repository is accessible over the Internet] in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.
3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user [sorting system provides a user with the ability to search based on a plurality of digital tags].
4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Currently Amended) The storage system of claim 1, wherein the digital files [and data] including the embedded digital tags can be exported as a single file in the file's original form.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of digital tag types and provides a search result; and

providing a user-configurable [output] interface to simultaneously permit use of the search function and to display the search result;

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file in the file's original form.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; [and]

a sorting system, wherein the sorting system allows the digital files to be sorted

according to a plurality of types of data and to be exported with the plurality of digital tags [i]embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in the underlying digital file using the interface.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Currently Amended) The storage system of claim 13, wherein the digital files and data can be exported as a single file in the file's original form.

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

REMARKS

Rejections Under 35 U.S.C. §103

In response to the Examiner's comments regarding obviousness, Applicant responds as follows.

Applicant has once again amended the claims to further clarify that which Applicant believes to be patentable over the cited art. No new matter is added by way of this amendment. As previously noted and further discussed herein, Applicant believes the present claims are distinguishable over the Kustanowitz reference for several reasons.

First, it is noted that Kustanowitz does not provide a sorting system that allows the digital files to be sorted according to a *plurality* of types of data. Kustanowitz discloses sorting by only a single type of data at a time. Kustanowitz would therefore be deficient when used for digital photos and the like, in which there are often numerous types of data that must be stored, and in which an ideal system would allow multiple types of data to be searched at once.

Another advantage of the presently claimed sorting system is the ability of a user to modify a search and navigate to other files by clicking on the digital tags themselves. This feature is claimed in the presently amended Claim 2. In contrast to that disclosed in Kustanowitz, which is limited to file size data, the present invention provides for easy search modification by utilizing clickable digital tags that initiate a search using that tag as a key term. For example, in a search result according to the present invention, a user may see a photo that has the following digital tags: "2011," "Tom," "North Carolina." If a user clicks on any one of those digital tags, a search would be initiated using that tag as

a keyword. This creates a more user friendly experience, and greatly facilitates searching through large numbers of files.

Moreover, Kustanowitz does not allow a user to embed data tags on the original, underlying file. This is a further claimed feature that provides a significantly improved user experience. In contrast to Kustanowitz, the presently claimed invention allows a user to import files, assign and save digital tags *to those imported files,* and then export the files – with the embedded digital tags – in the same format as the original file. This feature provides a user with the maximum portability and compatibility with other programs. Unlike Rhodes, which is suggested as contemplating embedded digital tags, the presently claimed invention does not utilize an invisible or proprietary catalog that is readable only by the host system. Rather, the present invention utilizes the underlying file type to store further information about the file, giving a user maximum compatibility and portability.

All of the above claimed features are distinguishable over the cited art, and provide significant features that are not contemplated by Kustanowitz or Rhodes. For at least these reasons, Applicant respectfully submits that the presently amended claims are allowable over the cited art.

Applicant therefore respectfully requests the Examiner's withdrawal of his rejections. Should the Examiner wish to discuss this further or if the Examiner believes an Examiner's amendment would place some of the claims in condition for allowance, he is welcomed to call the undersigned.

Respectfully submitted,

/David Oskin/
312.890.2527

APPENDIX A
Clean Copy of the Claims

1. A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user;

   wherein the single user interface presents both the sorting system and the sorted digital files; and

   wherein a user enters the embedded tag data using the interface.

2. The storage system of claim 1, wherein in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.
3. The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user.
4. The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. The storage system of claim 1, wherein the user interface is user-configurable.
7. The storage system of claim 1, wherein the digital files including the embedded digital tags can be exported as a single file in the file's original form.
8. A computer-implemented_method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of digital tag types and provides a search result; and

   providing a user-configurable interface to simultaneously permit use of the search function and to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.
9. The method of claim 8, further comprising the step of providing access to the file repository via the Internet.
10. The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.
11. The method of claim 8, further comprising the step of linking a recipe to a user.

12. The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file in the file's original form.

13. A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in the underlying digital file using the interface.

14. The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. The storage system of claim 13, further comprising a system for linking a recipe to a person's name.
18. The storage system of claim 13, wherein the user interface is user-configurable.
19. The storage system of claim 13, wherein the digital files and data can be exported as a single file in the file's original form.
20. The storage system of claim 13, further comprising a user-configurable display.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb	6707

91105 7590 07/22/2013

Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

EXAMINER	
HICKS, MICHAEL J	
ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
07/22/2013	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@CALIBERIP.COM

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*. (3)_____.

(2) *Dqavid Oskin*. (4)_____.

Date of Interview: *07/16/2013*.

Type: ☐ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1,2 and 7*.

Identification of prior art discussed: *Kustanowicz*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's requested clarification on Examiner's opinion of the claim amendments which were newly presented in the After Final Amendment dated 07/03/2013. Examiner noted that while the amendments appear to further clarify the invention and may overcome the art of record, many of the concepts introduced by the limitations are similar to processes which are known to the art. Examiner further noted that further review of the currently cited art and further search and consideration were needed. No agreement as to the patentability of the claims was reached..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/ Primary Examiner, Art Unit 2165	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. 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 contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	13/157,214	Filing Date	2011-06-09	Docket Number (if applicable)	Memory-Webb	Art Unit	
First Named Inventor	Christopher Desmond			Examiner Name	Hicks, Michael		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

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

MISCELLANEOUS

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

☐ Other _____

FEES

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

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. 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 contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/David N. Oskin/	Date (YYYY-MM-DD)	2013-09-03
Name	David N. Oskin	Registration Number	58863

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

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION OF MICRO ENTITY STATUS
(GROSS INCOME BASIS)

Application Number or Control Number (if applicable):	Patent Number (if applicable):
13/157,214	
First Named Inventor:	**Title of Invention:**
Desmond, Christopher	Method and Application for Managing Digital Files

The applicant hereby certifies the following—

(1) **SMALL ENTITY REQUIREMENT -** The applicant qualifies as a small entity as defined in 37 CFR 1.27.

(2) **APPLICATION FILING LIMIT -** Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights or is obligated to assign all ownership rights as a result of the applicant's previous employment.

(3) **GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS -** Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO website at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

(4) **GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST" -** Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO website at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

SIGNATURE by a party set forth in 37 CFR 1.33(b)

Signature	/David N. Oskin/				
Name	David N. Oskin				
Date	09/03/13	Telephone	(312) 890-2527	Registration No.	58863

☐ There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. Additional certification form(s) signed by the other joint inventor(s) are included with this form.

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:	2165	
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	
Title:	Method and Application for Managing Digital Files	**DATED: 3 September 2013**
Inventors:	Desmond, Christopher et al.	
Filing Date:	9 June 2011	
Attorney Docket No.:	MW 1	
Examiner:	Hicks, Michael J.	

PRELIMINARY AMENDMENT

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted in response to the Examiner's Interview Summary dated 22 July 2013, and in conjunction with the simultaneously filed Request for Continued Examination.

Amendments to the claims begin on page 2 of this paper.

Respectfully Submitted,

/David Oskin/

AMENDMENT OF CLAIMS

Applicant respectfully submits the following amended claims. It is believed that this amendment places the Application in condition for allowance, as Applicant has previously stated. A clean copy of the claims is submitted herewith as Appendix A.

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files in a non-proprietary file format,

   wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user;

   wherein the single user interface [that] presents both the sorting system and the sorted digital files [on a user's screen based on user input]; and

   wherein a user enters the embedded tag data using the interface.

2. (Currently Amended) The storage system of claim 1, wherein [the digital file repository is accessible over the Internet] in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.

3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the

user [sorting system provides a user with the ability to search based on a plurality of digital tags].

4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Currently Amended) The storage system of claim 1, wherein the digital files [and data] including the embedded digital tags can be exported as a single file in the file's original form.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of non-proprietary digital tag types and provides a search result; and

   providing a user-configurable [output] interface to simultaneously permit use of the search function and to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file in the file's original form.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; [and]

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags [i]embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in a non-proprietary digital format in the underlying digital file using the interface.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Currently Amended) The storage system of claim 13, wherein the digital files and data can be exported as a single file in the file's original form.

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

APPENDIX A

Clean Copy of the Claims

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files in a non-proprietary file format, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user; wherein the single user interface presents both the sorting system and the sorted digital files; and

   wherein a user enters the embedded tag data using the interface.

2. (Currently Amended) The storage system of claim 1, wherein in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.

3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user.

4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Currently Amended) The storage system of claim 1, wherein the digital files including the embedded digital tags can be exported as a single file in the file's original form.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of non-proprietary digital tag types and provides a search result; and

   providing a user-configurable interface to simultaneously permit use of the search function and to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.
9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph and its associated digital tags in a single file in the file's original form.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in a non-proprietary digital format in the underlying digital file using the interface.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.
15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.
16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.
18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.
19. (Currently Amended) The storage system of claim 13, wherein the digital files and data can be exported as a single file in the file's original form.
20. (Original) The storage system of claim 13, further comprising a user-configurable display.

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	David N. Oskin
Attorney Docket Number:	Memory-Webb

Filed as Micro Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with $0 paid	3252	1	150	150

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE - 1st Request	3801	1	300	300
		Total in USD ($)		**450**

Electronic Acknowledgement Receipt

EFS ID:	16753642
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	03-SEP-2013
Filing Date:	09-JUN-2011
Time Stamp:	19:36:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$450
RAM confirmation Number	6877
Deposit Account	
Authorized User	

File Listing:

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

1	Request for Continued Examination (RCE)	sb0030e_fill.pdf	697585 d5cd2eb9c53d8ed2504d1f23258a3d2c10d6f6e4	no	3
Warnings:					
Information:					
2	Certification of Micro Entity (Gross Income Basis)	sb0015a.pdf	131764 c5ade46007450ad030686b81ac3e7555d521e1e6	no	2
Warnings:					
Information:					
3	Amendment Submitted/Entered with Filing of CPA/RCE	Response_090313.pdf	37277 c02266ef4cf16d13ae24f8e802e6317d6fb30836	no	9
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32153 d6ae4cd8a63c0f6914bababcd9f0837ea3520efa	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	898779		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **09/03/2013**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/FREDERICK BRISCOE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:	2165	
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	
Title:	Method and Application for Managing Digital Files	**DATED: 16 September 2013**
Inventors:	Desmond, Christopher et al.	
Filing Date:	9 June 2011	
Attorney Docket No.:	MW 1	
Examiner:	Hicks, Michael J.	

PRELIMINARY AMENDMENT

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted as a preliminary amendment in conjunction with the previously filed Request for Continued Examination and in place of and further clarifying the preliminary amendment as filed on September 3, 2013.

Amendments to the claims begin on page 2 of this paper.

AMENDMENT OF CLAIMS

Applicant respectfully submits the following amended claims. It is believed that this amendment places the Application in condition for allowance, as Applicant has previously stated. A clean copy of the claims is submitted herewith as Appendix A.

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files in a non-proprietary file format,

   wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user;

   wherein the single user interface [that] presents both the sorting system and the sorted digital files [on a user's screen based on user input]; and

   wherein a user enters the embedded tag data using the interface.

2. (Currently Amended) The storage system of claim 1, wherein [the digital file repository is accessible over the Internet] in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.

3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user [sorting system provides a user with the ability to search based on a plurality of digital tags].
4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Currently Amended) The storage system of claim 1, wherein the digital files [and data] including the embedded digital tags can be exported [as a single file] within the file's original format.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

storing a digital photograph in a file repository;

associating a plurality of digital tags having different tag types with the digital photograph;

providing a search function that permits simultaneous searching by a plurality of non-proprietary digital tag types and provides a search result; and

providing a user-configurable [output] interface to simultaneously permit use of the search function and to display the search result;

wherein the digital tag types include at least one selected from the group

consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph [and its associated digital tags in a single file] wherein the digital files including the embedded digital tags can be exported within the file's original format.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; [and]

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags [i]embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in a non-proprietary digital format in the underlying digital file using the interface.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Currently Amended) The storage system of claim 13, wherein the digital files [and data] including the embedded digital tags can be exported [as a single file] within the file's original format.

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

APPENDIX A

Clean Copy of the Claims

1. (Currently Amended) A web-based digital photo storage system comprising:

   a digital file repository for storing and retrieving digital files;

   a processor coupled to the digital file repository;

   a digital tagging system configured to assign digital tags to the digital files and embed such digital tags on the digital files in a non-proprietary file format, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

   a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data; and

   a single user interface through which the types of data are selected by the user; wherein the single user interface presents both the sorting system and the sorted digital files; and

   wherein a user enters the embedded tag data using the interface.

2. (Currently Amended) The storage system of claim 1, wherein in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.

3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user.

4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.
6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.
7. (Currently Amended) The storage system of claim 1, wherein the digital files including the embedded digital tags can be exported within the file's original format.
8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

   storing a digital photograph in a file repository;

   associating a plurality of digital tags having different tag types with the digital photograph;

   providing a search function that permits simultaneous searching by a plurality of non-proprietary digital tag types and provides a search result; and

   providing a user-configurable interface to simultaneously permit use of the search function and to display the search result;

   wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.
9. (Original) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph wherein the digital files including the embedded digital tags can be exported within the file's original format.

13. (Currently Amended) A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a processor coupled to the digital file repository;

a digital tagging system configured to assign a plurality digital tags to the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data and to be exported with the plurality of digital tags embedded on the digital files;

wherein the embedded tag data is automatically imported from the file and

a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and

wherein a user embeds tag data in a non-proprietary digital format in the underlying digital file using the interface.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.
15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.
16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.
17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.
18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.
19. (Currently Amended) The storage system of claim 13, wherein the digital files including the embedded digital tags can be exported within the file's original format.
20. (Original) The storage system of claim 13, further comprising a user-configurable display.

Electronic Acknowledgement Receipt

EFS ID:	16864825
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	16-SEP-2013
Filing Date:	09-JUN-2011
Time Stamp:	16:19:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Preliminary Amendment	Response_091613.pdf	37620 4845ca780a9d238f5b968e395adfd167382874d6	no	9

Warnings:	
Information:	

Total Files Size (in bytes):	37620

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **09/16/2013**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/ANGELA s. WHITE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **09/16/2013**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/ANGELA s. WHITE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:	2165	
Confirmation No.:	6707	
Application Ser. No.:	13/157,214	
Title:	Method and Application for Managing Digital Files	**DATED: 11 October 2013**
Inventors:	Desmond, Christopher et al.	
Filing Date:	9 June 2011	
Attorney Docket No.:	MW 1	
Examiner:	Hicks, Michael J.	

ENTITY STATUS CHANGE

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

Sir:

Upon review, Applicant has made the determination to change its entity status to SMALL and hereby provides notice of such change.

Respectfully submitted,

/David Oskin/
312.890.2527
Reg. No. 58,863

Electronic Acknowledgement Receipt

EFS ID:	17102484
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	David N. Oskin
Filer Authorized By:	
Attorney Docket Number:	Memory-Webb
Receipt Date:	11-OCT-2013
Filing Date:	09-JUN-2011
Time Stamp:	10:56:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Correspondence_Status.pdf	13655 a2249547e120cf7e2100e1f9f2ae39f10f3ac600	no	1

Warnings:	
Information:	

Total Files Size (in bytes):	13655

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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.
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb	6707

91105 7590 11/26/2013

Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

EXAMINER	
HICKS, MICHAEL J	
ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
11/26/2013	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@CALIBERIP.COM

Office Action Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *16 September 2013*.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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

5)☒ Claim(s) *1-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-20* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

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) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

2. Claims 1-20 Pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2013 has been entered.

Response to Arguments

4. Applicant's arguments filed 09/16/2013 have been fully considered but they are not persuasive.

As per Applicants arguments asserting that the art of Kustanowitz fails to disclose the functionality of sorting according to a plurality of different data types, Examiner respectfully disagrees. Examiner notes that the claims do not require that the claimed system be able to sort by a plurality of different data types *concurrently*. As

such, the disclosure of the art of Kustanowitz indicating the capability of sorting by different data types including at least name, category, and date anticipates the sorting functionality of the claims. Examiner further notes that the prior art clearly discloses displaying a plurality of tag types simultaneously, the selection of which will display items of content associated with those tags. As such, Examiner asserts that even if such subject matter were present in the claims, the prior art clearly discloses sorting by a plurality of separate tags simultaneously.

As per Applicants arguments regarding the functionality of sorting by clicking the tags themselves, Examiner respectfully disagrees. Examiner notes that Section 2.1 and Figure 1 clearly describe and illustrate an interface wherein the tags are represented by a tree-based folder structure, and that the selecting (i.e. clicking) a folder of the tree based structure representing a particular tag will result in a presentation of all items of content (i.e. pictures) which have been tagged with the selected tag. As the limitations of Claim 2 only require that the sorting be done responsive to the clicking of a tag, Examiner asserts the tree-based representation of the tags and associated functionality is sufficient to anticipate the claimed limitations.

As per Applicant arguments regarding the embedding of tags, Examiner respectfully disagrees. Examiner notes that Applicant fails to support the assertion that Kustanowitz does not allow a user to embed data tags within the original underlying file. Examiner further notes that Applicant appears to argue both that at least some digital

media files (i.e. file types) naturally support tag based annotation and that the digital files used within the systems of Kustanowitz and Rhodes do not support such inherent tag-based annotation. Examiner asserts, however, that the disclosure of Rhoads clearly and explicitly indicates that the metadata tags are embedded into the digital files themselves via watermarks (i.e. Rhoads, Column 8, Lines 23-24, "…the watermark may contain keyword information (i.e. content type tags) about a scene in a an image…") and asserts that the inclusion of the watermark within a digital file does not alter the underlying file type. While Rhoads does further include an indexed database of tags and file relations (i.e. indices of tags which include pointers to files which include the tags), the existence of such a database, which is intended to facilitate searching and related file lookup, does not preclude the tags themselves from being included in the files via the watermarks. Examiner further asserts that, as the tags are clearly embedded into the files, the capabilities of the systems of both Kustanowitz and Rhoads to import and export the digital files demonstrates that the tags may be imported and exported as well and that the tags of Kustanowitz and the watermarks of Rhoads are not described as being proprietary, but rather use well known annotation and watermarking methods to represent the tag and watermark information.

In light of the above arguments, the rejection will be updated to reflect amendments made to the claims and maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005 and referred to hereinafter as Kustanowitz) in view of Rhoads et al. (U.S. Patent Number 7,372,976, Issued 05/13/2008, Filed 08/22/2006 and referred to hereinafter as Rhoads).

As per Claim 1, Kustanowitz discloses a web-based digital file storage system comprising: a digital file repository for storing and retrieving digital files (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a processor coupled to the digital file repository (Examiner notes that, as the media is embodied by digital files, a processer is necessary in order to perform operation on the files, such as the annotation operation of Section 2.1.); a digital tagging system permitting the user to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); a search filter, wherein the search filter allows the digital files to be searched according to a plurality of types of data (See Sections 4.1, 4.3, 4.4 which

clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.); and a single user interface through which the types of data are selected by the user (See Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.); wherein the single use interface presents both the sorting system and the sorted digital files (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.); and wherein a user enters the embedded tag data using the interface (See Section 2.1 and Figure 1 which clearly disclose that tags may be embedded into the files using the interface, either through a drag and drop interaction or a selection and labeling interaction.).

Kustanowitz fails to explicitly disclose that the tags are embedded within the digital files in a non-proprietary format.

Rhoads discloses that the tags are embedded within the digital files in a non-proprietary format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exists and be embedded in non-proprietary file formats.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the tags are embedded within the digital files in a non-proprietary format

with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claim 2, , Kustanowitz discloses in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag (See Section 2.1 and Figure 1 clearly describe and illustrate an interface wherein the tags are represented by a tree-based folder structure, and that the selecting (i.e. clicking) a folder of the tree based structure representing a particular tag will result in a presentation of all items of content (i.e. pictures) which have been tagged with the selected tag).

As per Claim 3, Kustanowitz discloses the user interface organizes and presents the digital files based on the type of data selected by the user See Section 2.1 and Figure 1 clearly describe and illustrate an interface wherein the tags are represented by a tree-based folder structure, and that the selecting (i.e. clicking) a folder of the tree based structure representing a particular tag will result in a presentation of all items of content (i.e. pictures) which have been tagged with the selected tag).

As per Claims 4, 10, and 16, Kustanowitz discloses a system for tracking relationships between and among users and named persons, so that a family tree can be displayed (See Section 4.1 which clearly discloses that the tags may be used to track relationships which may be used to form a family tree or organizational chart.).

As per Claims 5, 11, and 17, Kustanowitz discloses a system for linking a recipe to at least one of a person's name, videos, photos, documents, and audio files (See Section 2.1 which clearly discloses that free text annotations may be added to photos and Section 4.1 which indicates that the photos may be linked to names. Examiner asserts that the subject matter of a recipe does not affect the functionality of the system and as such is considered to be non-functional descriptive material. Examiner asserts that as free-text information may be associated with the names and photos, the limitation is sufficiently disclosed.).

As per Claims 6 and 18, Kustanowitz discloses the user interface is user-configurable (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

As per Claims 7, 12, and 19, Kustanowitz discloses the digital files including the embedded digital tags can be exported within the files original format (See Section 4.1 which clearly discloses that the files of the collection may be chosen for personal and professional use which indicates that single or multiple files may be exported for use in other applications. Examiner notes that no change of file format is necessitated to export files in this manner.).

Rhoads further explicitly discloses that the exported files are in the original file format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exists and be embedded in non-proprietary file formats.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to explicitly include hat the exported files are in the original file format with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claim 8, Kustanowitz discloses a computer-implemented method of storing digital files, the method comprising the steps of: storing a digital file in a file repository (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); associating a plurality of digital tags having different tag types with the digital file (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); providing a search function that permits simultaneous searching by a plurality of non-proprietary digital tag types and provides a search result (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further See Section 2.1 which clearly discloses that searching functionality may be provided in the form of a tree-based tag hierarchy which allows for searching across multiple tags simultaneously. Examiner further notes that name, category, date, and location information are non-proprietary tag types.); and providing a user-configurable interface to simultaneously permit use of the search function and to display the search result (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags. Further See Section 2.1 which explicitly disclose that the searching and display of results may occur concurrently.);

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.).

Rhoads further discloses that the searching of tag types simultaneously searches a plurality of non-proprietary tag types (See Column 7, Lines 27-52 and Column 8 Lines 24-25 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Examiner notes that all the tags are indexed and as such are simultaneously searchable and that the metadata tags are clearly described as being non-proprietary (i.e. inherent to file type).).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the searching of tag types simultaneously searches a plurality of non-proprietary tag types with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claims 9 and 14, Kustanowitz discloses the digital file repository is accessible over the Internet (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.).

As per Claim 13, Kustanowitz discloses a web-based digital file storage system comprising: a digital file repository for storing and retrieving digital files (See Section 2.1

which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a processor coupled to the digital file repository (Examiner notes that, as the media is embodied by digital files, a processer is necessary in order to perform operation on the files, such as the annotation operation of Section 2.1.); a digital tagging system configured to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags.); wherein the embedded tag data is automatically imported from the file and a user interface simultaneously displays the sorting system, the digital files, and the digital tags (See Section 2.1 and Figure 1 which clearly disclose file import operations, and clearly illustrates that the files, sorting interface, and metadata tags may be simultaneously displayed.); and wherein that the tags are embedded using the interface (See Section 2.1 which clearly discloses that the tags are embedded into the files using drag and drop functionality of the interface.).

Kustanowitz fails to disclose that that the file may be exported and imported with the plurality of digital tags are embedded within the digital files and that the tags are embedded within the digital files in a non-proprietary format.

Rhoads discloses that that the file may be exported and imported with the plurality of digital tags are embedded within the digital files (See Column 7, Lines 27-52 which

clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 9, Lines 50-67 and Column 10, Lines 1-11 which indicate that files may be fetched by (i.e. exported to or imported from) other computers within a network. Examiner notes that, if the metadata is embedded in the files, the metadata will be exported or imported as part of the file during an export or import operation.) and that the tags are embedded within the digital files in a non-proprietary format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exists and be embedded in non-proprietary file formats.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that that the file may be exported or imported with the plurality of digital tags are embedded within the digital files and that the tags are embedded within the digital files in a non-proprietary format with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claims 15, Kustanowitz discloses the sorting system provides a user with the ability to search based on a plurality of digital tags (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.).

As per Claim 20, Kustanowitz discloses a user-configurable output to display the sorted files (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL HICKS whose telephone number is (571)272-2670. The examiner can normally be reached on M-F 9:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Hicks/

Primary Examiner
Art Unit 2165
Phone: (571)272-2670
Fax: (571)272-2670

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	Art Unit
	MICHAEL HICKS	2165

CPC- SEARCHED		
Symbol	Date	Examiner
G06F 17/30268, 3028, 30946, 30998, 30997	11/21/2013	mjh

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
707	706, 736 (Limited Text)	11/13/2012	mjh

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	11/13/2012	mjh
Double Patenting Search	11/13/2012	mjh
East Search (See Attached)	11/13/2012	mjh
NPL Search (See Attached)	11/13/2012	mjh
Updated NPL Search (See Attached)	3/13/2013	mjh
Review of Previously Identified Art	3/13/2013	mjh
Review of Previously Identified Art	11/21/2013	mjh
Updated EAST Search (See Attached) (CPC)	11/21/2013	mjh

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/M.H./ Primary Examiner.Art Unit 2165

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	4096	desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:01
S2	4	desmond.in. tag$3 (family same tree$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:02
S3	1	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:03
S4	18	desmond.in. tag$3 (photo$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:04
S5	17135	(photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:05
S6	78	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:05
S7	8252	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:06
S8	54	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:06
S9	5781	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or	US-PGPUB; USPAT;	AND	OFF	2012/11/13 19:06

		database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S10	44	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
S11	550	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
S12	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
S13	154	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:08
S14	0	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:09
S15	3	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3) (export$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:09
S16	89	"7372976"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/03/13 15:17
S17	1038	G06F ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:14
S18	0	G06F same ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:21
S19	89	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or	US-PGPUB; USPAT;	AND	OFF	2013/11/21 13:22

		imag$4) same (tag$4 or annotat$4))	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S20	3	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:22
S21	1	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:22
S22	14	G06F ("30268")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:24
S23	6	G06F ("30268") (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:25

EAST Search History (Interference)

< This search history is empty>

11/21/2013 1:28:54 PM
C:\Users\mhicks1\Documents\EAST\Workspaces\13157214.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	**Art Unit**
	MICHAEL HICKS	2165

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

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

CLAIM		DATE								
Final	Original	11/13/2012	03/13/2013	11/21/2013						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	✓	✓						
	14	✓	✓	✓						
	15	✓	✓	✓						
	16	✓	✓	✓						
	17	✓	✓	✓						
	18	✓	✓	✓						
	19	✓	✓	✓						
	20	✓	✓	✓						

PTO/SB/81 (01-09)
Approved for use through 11/30/2011. OMB 0651-0035
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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	13/157,214
Filing Date	June 9, 2011
First Named Inventor	Christopher Desmond
Title	Method and Application for Managing...
Art Unit	2165
Examiner Name	Michael J. Hicks
Attorney Docket Number	069366-000002USPT

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 Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

70001

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

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OR

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Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature		Date	Jan 28, 2014
Name	Christopher Desmond	Telephone	630 534 6288
Title and Company	Advisor, Memory Web LLC		

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 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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 1450, Alexandria, VA 22313-1450.**

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

Electronic Acknowledgement Receipt

EFS ID:	18049161
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	Stephen G. Rudisill/Carla Rivera
Filer Authorized By:	Stephen G. Rudisill
Attorney Docket Number:	Memory-Webb
Receipt Date:	28-JAN-2014
Filing Date:	09-JUN-2011
Time Stamp:	16:28:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	069366-2USPT_Revocation_POA.pdf	80231 27758191b38085165fa5cd6685b621fcd3a1648f	no	1

Warnings:	
Information:	

Total Files Size (in bytes):	80231

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Doc Code: N572

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

OC000000066367066

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

Cc: NIXON PEABODY, LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606-6613

Date Mailed: **01/31/2014**

DENIAL OF REQUEST FOR POWER OF ATTORNEY

The request for Power of Attorney filed 01/28/14 is acknowledged. However, the request cannot be granted at this time for the reason stated below.

☐ The Power of Attorney you provided did not comply with the new Power of Attorney rules that became effective on June 25, 2004. See 37 CFR 1.32.

☐ The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.

☐ The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(c) has not been received.

☐ The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.

☐ The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.

☑ The signature(s) of **Nancy Desmond**, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor(s).

☐ The person(s) appointed in the Power of Attorney is not registered to practice before the U.S. Patent and Trademark Office.

☐ Only one Customer Number can be designated for the Power of Attorney in an application. The Customer Number that was captured is the first Customer Number provided on the Power of Attorney document.

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- ☐ A request under 37 CFR 1.48 to add an inventor was granted in this application, however, no power of attorney consistent with the power of attorney granted by the originally named inventive entity has been received. Thus, the addition of the inventor has resulted in the loss of power of attorney in the application. See 37 CFR 1.32(e).

- ☐ The power of attorney has not been accepted because the party who is giving power of attorney has not been identified. Power of attorney may only be signed by the applicant for patent (37 CFR 1.42) or the patent owner. A patent owner who was not the applicant must appoint any power of attorney in compliance with 37 CFR 3.71 and 3.73. See 37 CFR 1.32(b)(4).

- ☐ The power of attorney from the inventors has not been accepted because it is a copy from a prior national application for which benefit is claimed and the continuing application names an inventor who was not named as an inventor in the prior application.

- ☐ The power of attorney from the inventors has not been accepted because the power of attorney must be signed by the applicant for patent. See 37 CFR 1.32(b)(4).

- ☐ Any request to correct or update the name of the applicant must include an application data sheet (ADS) in compliance with 37 CFR 1.76 specifying the correct or updated name of the applicant in the applicant information section. Any request to change the applicant after an original applicant has been specified under 37 CFR 1.46(b) must include a new ADS in compliance with 37 CFR 1.76 specifying the applicant in the applicant information section and comply with 37 CFR 3.71 and 3.73. See 37 CFR 1.46(c).

Any inquiries regarding this notice should be directed to the Application Assistance Unit at 571-272-4200.

Application Assistance Unit
571-272-4200

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/157,214	06/09/2011	Christopher Desmond	Memory-Webb

CONFIRMATION NO. 6707

91105
Caliber IP, LLC
150 N. Michigan Ave., Ste. 2800
Chicago, IL 60601

MISCELLANEOUS NOTICE

OC000000066367066

Date Mailed: 02/03/2014

A communication which cannot be delivered in electronic form has been mailed to the applicant.

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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	13/157,214
Filing Date	June 9, 2011
First Named Inventor	Christopher Desmond
Title	Method and Applicatin for Managing...
Art Unit	2165
Examiner Name	Michael J. Hicks
Attorney Docket Number	069386-000002USPT

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 Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 70001

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature	Nancy Desmond	Date	Feb 10, 2014
Name	Nancy Desmond	Telephone	(630) 534-6288
Title and Company	CMO Memonyvels		

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 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 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 1450, Alexandria, VA 22313-1450.**

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

Electronic Acknowledgement Receipt

EFS ID:	18170340
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	91105
Filer:	Stephen G. Rudisill/Carla Rivera
Filer Authorized By:	Stephen G. Rudisill
Attorney Docket Number:	Memory-Webb
Receipt Date:	11-FEB-2014
Filing Date:	09-JUN-2011
Time Stamp:	10:50:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	069366-2USPT_Revocation_POA.pdf	79002 92cd565de3d075c780ad3ea0425fb7aedea474b0	no	1

Warnings:	
Information:	

Total Files Size (in bytes):	79002

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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
13/157,214	06/09/2011	Christopher Desmond	069386-000002USPT

CONFIRMATION NO. 6707

70001
NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

POA ACCEPTANCE LETTER

OC000000066601250

Date Mailed: 02/24/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/11/2014.

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.

/ddinh/

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069386-000002USPT	6707

70001 7590 02/25/2014

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
02/25/2014	PAPER

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

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

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*.

(2) *Stephen Rudisill*.

(3) *Nancy Desmond*.

(4) *Christopher Desmond*.

Date of Interview: *20 February 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☒ Yes ☐ No.
If Yes, brief description: *Website Preview*.

Issues Discussed ☐101 ☐112 ☒102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *21*.

Identification of prior art discussed: *All cited*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant gave a detailed overview of the features and the operation of the system on which the instant Application isbased and intended to describe and claim coverage over. Examiner noted that, while the presented system was detailed and included interesting aspects and features, the proposed claims which were presented in conjunction with the presentation of the system, are very broad and describe very few of the presented features. Examiner indicated that more detailed claims were needed to fully describe the functionality and operation of the presented system. Applicant noted that the claims would be reviewed with Examiner comments in mind. No agreement as to the patenability of the claims was reached.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

DocCode – SCORE

SCORE Placeholder Sheet for IFW Content

Application Number: 13157214 Document Date: 03/26/2014

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

- Drawing

At the time of document entry (noted above):

- USPTO employees may access SCORE content via eDAN using the Supplemental Content tab, or via the SCORE web page.
- External customers may access SCORE content via PAIR using the Supplemental Content tab.

Form Revision Date: August 26, 2013

Fig. 1

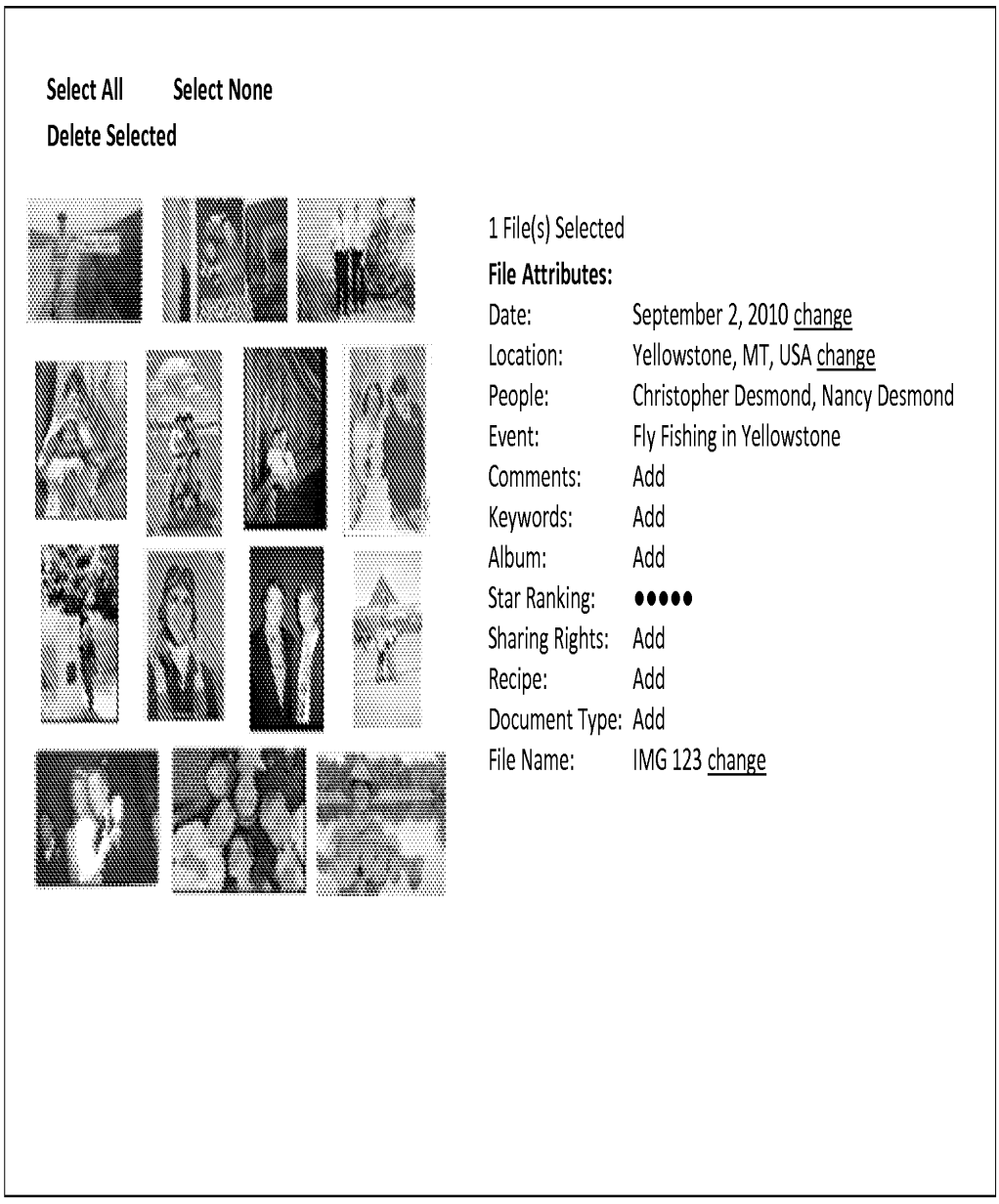
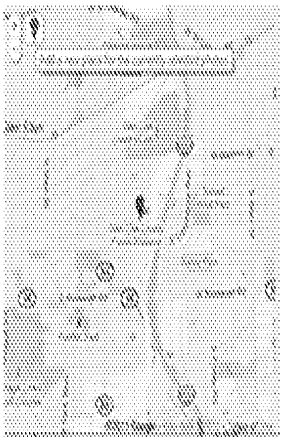

Select All
Select None
Delete Selected
1 File(s) Selected
File Attributes:
Date: September 2, 2010 change
Location: Yellowstone, MT, USA change
People: Christopher Desmond, Nancy Desmond
Event: Fly Fishing in Yellowstone
Comments: Add
Keywords: Add
Album: Add
Star Ranking: ●●●●●
Sharing Rights: Add
Recipe: Add
Document Type: Add
File Name: IMG 123 change

Fig. 2



Comments:
Suzanne and Anthony's Wedding Party where the cousins posed for a photo in the grass. Note, Jack with the lollipop and the photographer with his shoe in the photo

Location:
Historical Society
Lisle, IL 60532

People:
Jack Wong
CJ Wong
Mary Firestone
Zoe Peika
Nick Persons

Event: Suzanne & Anthony's Wedding Reception 2010

Camera Details: more

Fig. 3

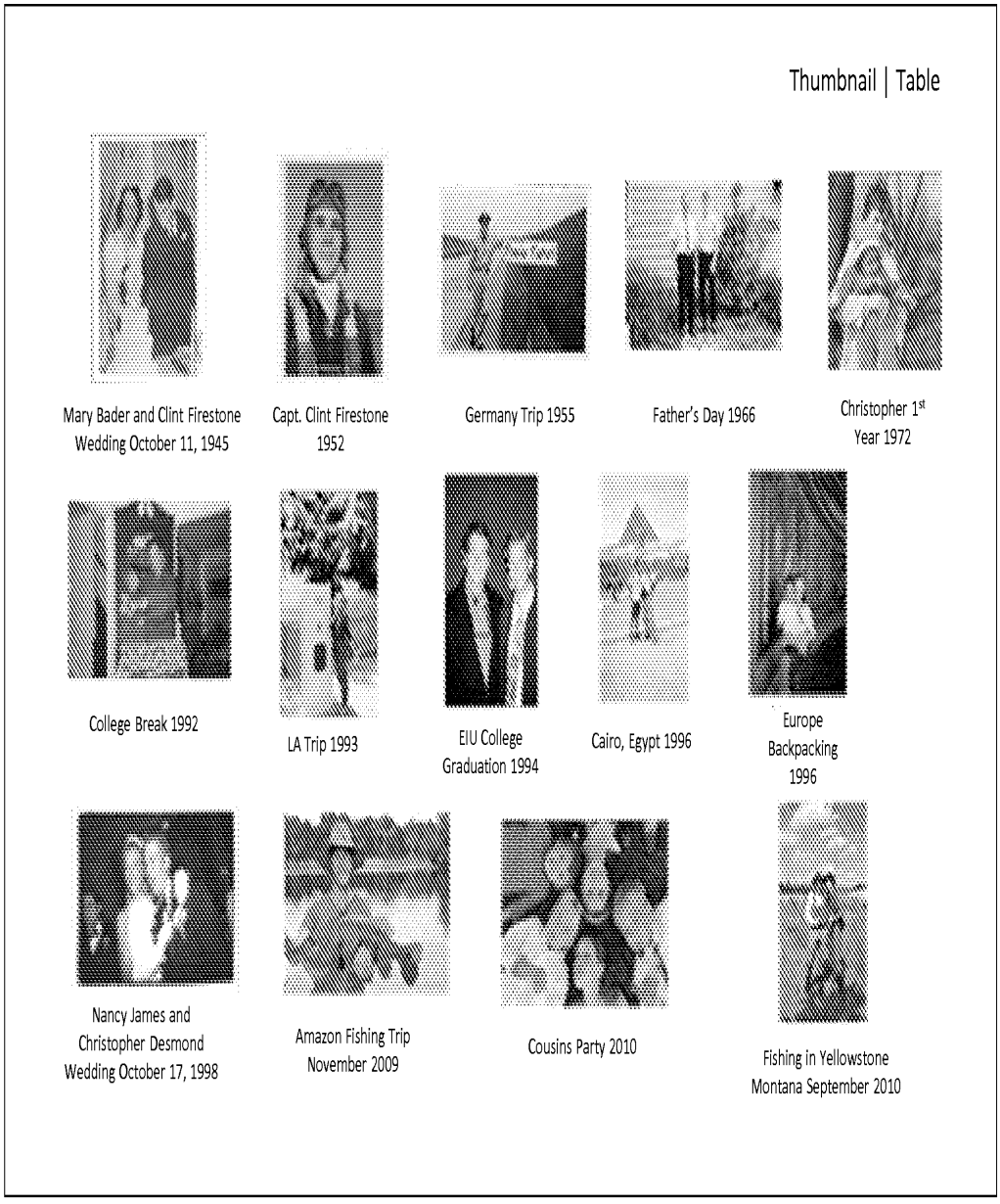

Thumbnail | Table
Mary Bader and Clint Firestone Wedding October 11, 1945
Capt. Clint Firestone 1952
Germany Trip 1955
Father's Day 1966
Christopher 1st Year 1972
College Break 1992
LA Trip 1993
EIU College Graduation 1994
Cairo, Egypt 1996
Europe Backpacking 1996
Nancy James and Christopher Desmond Wedding October 17, 1998
Amazon Fishing Trip November 2009
Cousins Party 2010
Fishing in Yellowstone Montana September 2010

Fig. 4

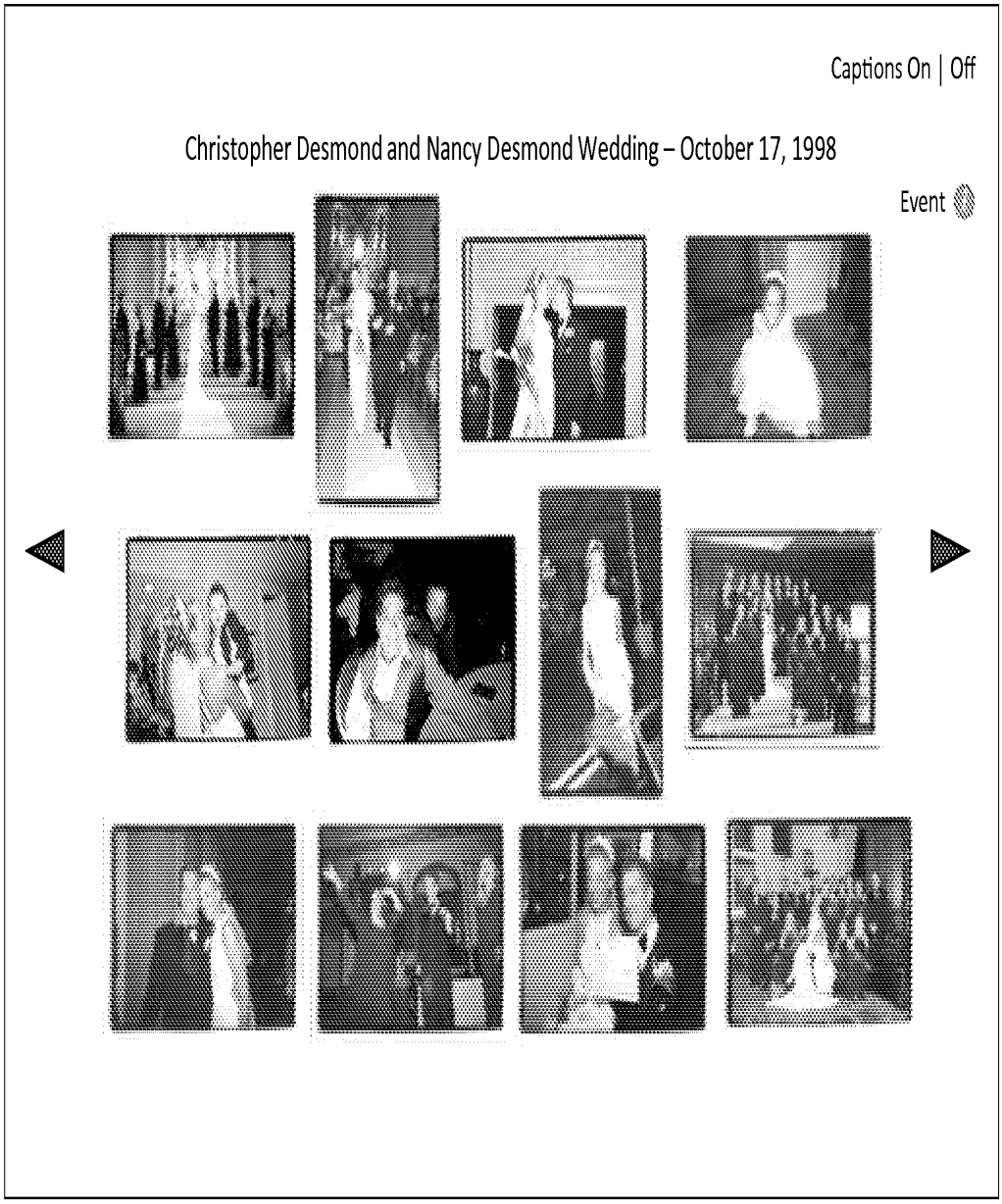

Captions On | Off
Christopher Desmond and Nancy Desmond Wedding – October 17, 1998
Event

Fig. 5

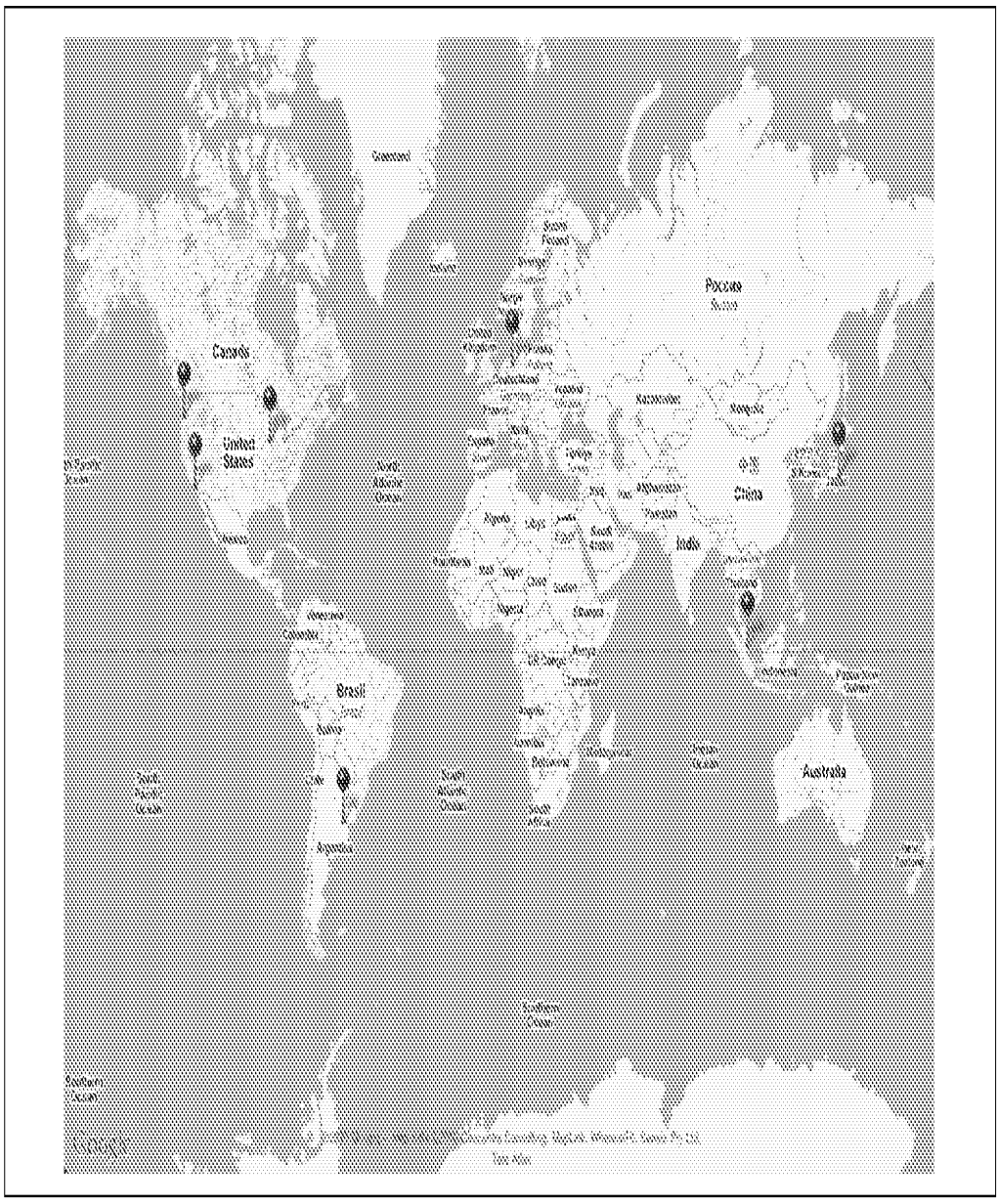

Greenland
Canada
United States
Russia
Kazakhstan
Mongolia
China
India
Brasil
Australia

Fig. 6

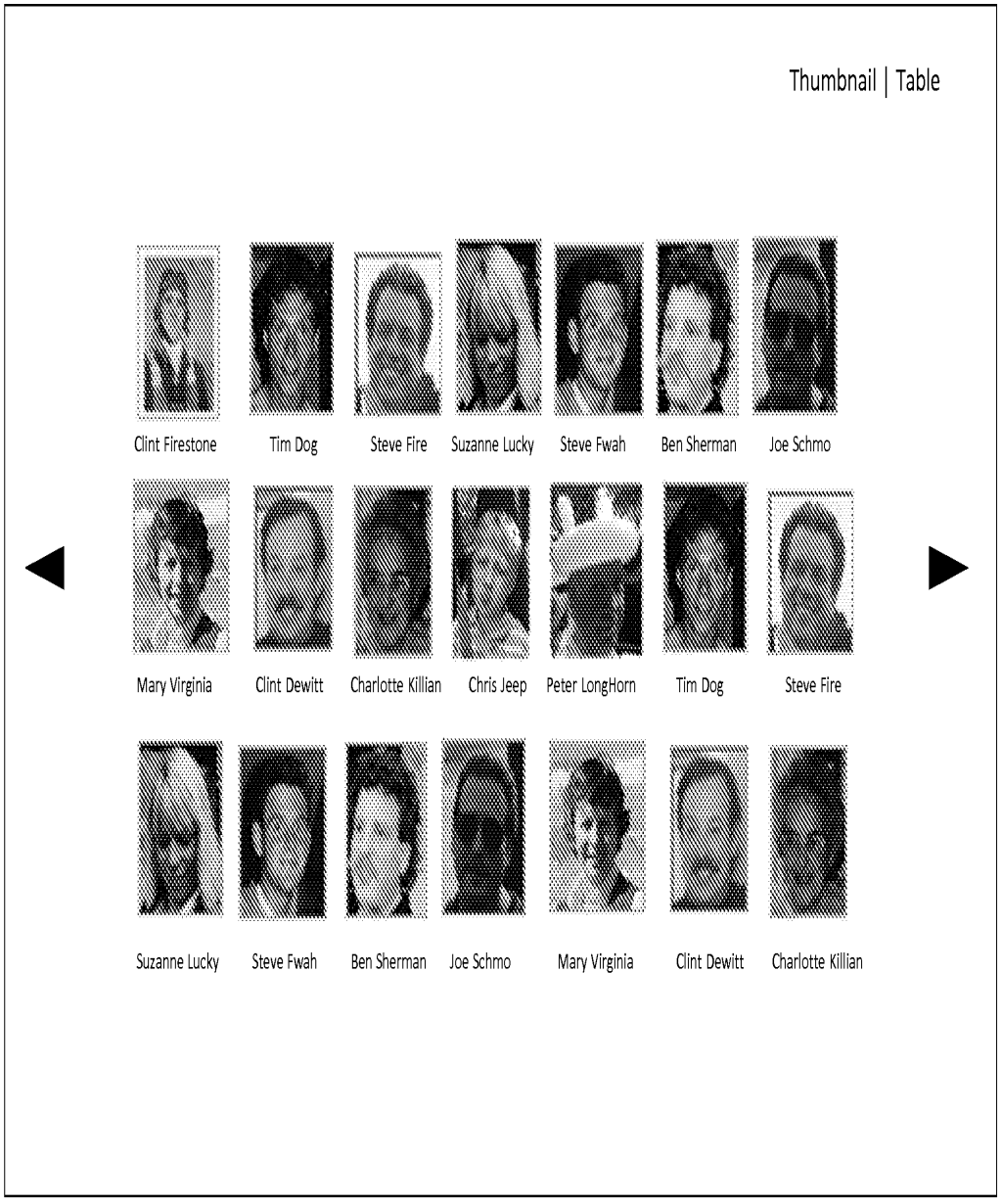
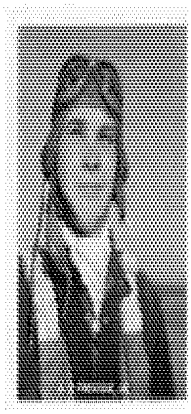

Thumbnail | Table
Clint Firestone
Tim Dog
Steve Fire
Suzanne Lucky
Steve Fwah
Ben Sherman
Joe Schmo
Mary Virginia
Clint Dewitt
Charlotte Killian
Chris Jeep
Peter LongHorn
Tim Dog
Steve Fire
Suzanne Lucky
Steve Fwah
Ben Sherman
Joe Schmo
Mary Virginia
Clint Dewitt
Charlotte Killian

Fig. 7



Clinton Dewitt Firestone IV

Birth: July 12, 1896
Death: April 29, 1971
Parents: Clinton Dewitt Firestone III and Viola Miller
Comments: He was a WWII U.S. Air force pilot and POW in WWII and veteran honorably discharged in December of 1947. He worked for 44 years for the Firestone Tire and Rubber Company in retail, wholesale and original equipment sales, marketing and management. He was born in Akron, OH and is buried in Columbiana, OH.

Edit bio

Locations | Timeline | Family Tree | Recipes

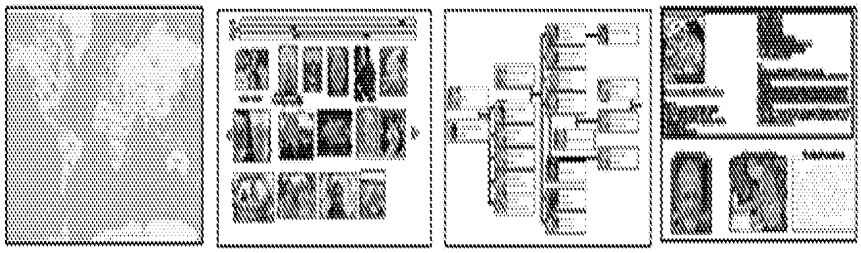


Fig. 8

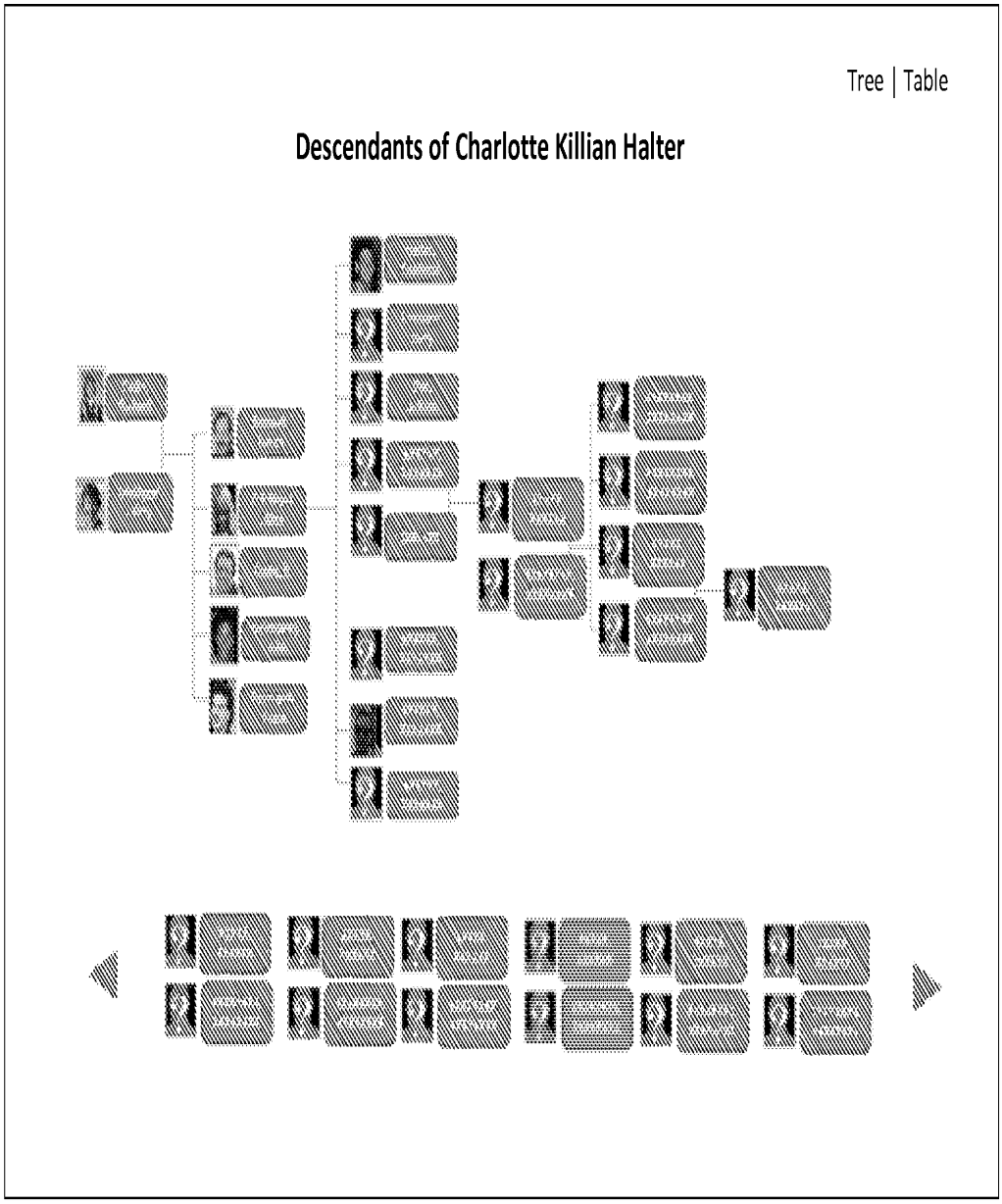


Fig. 9

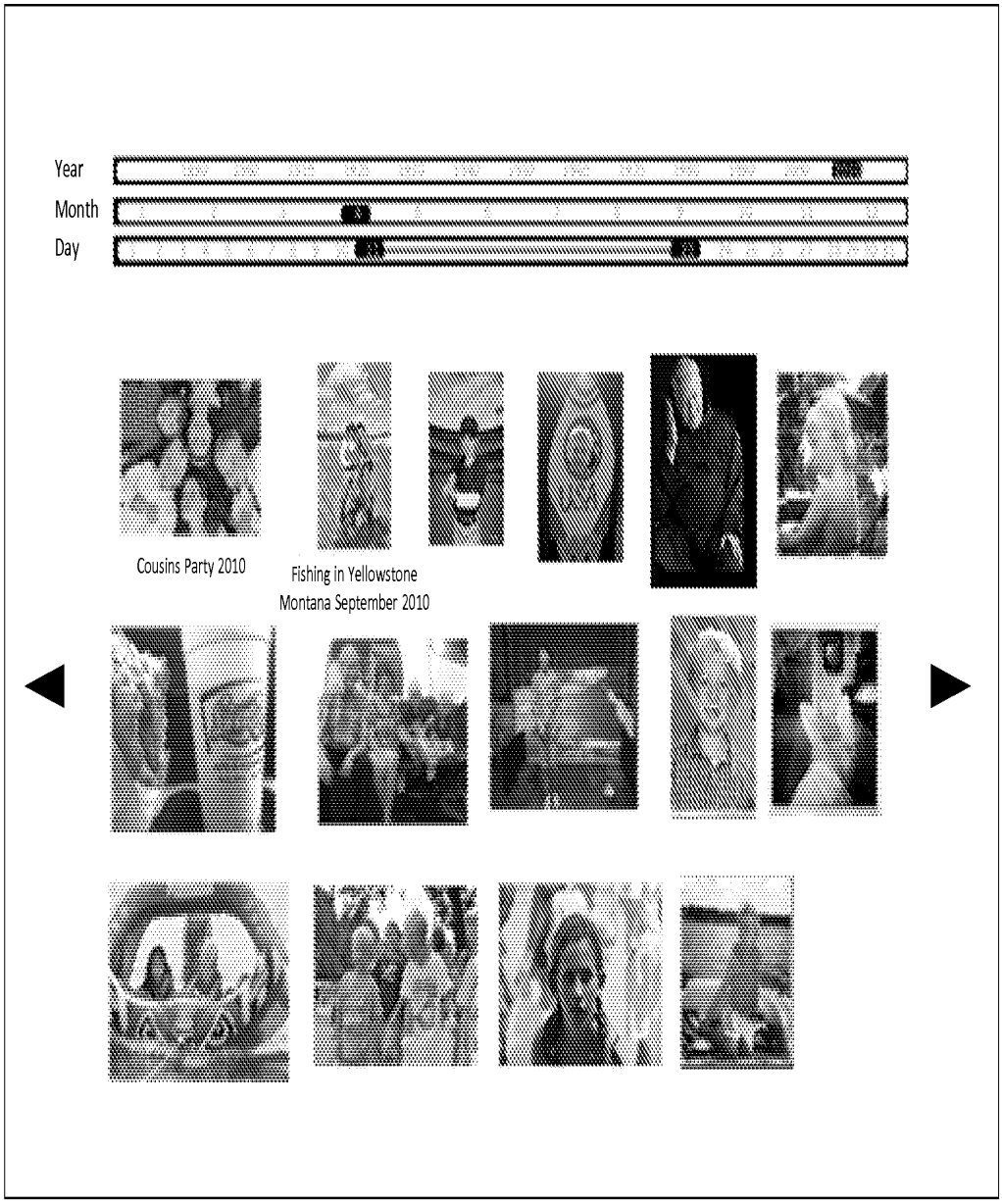
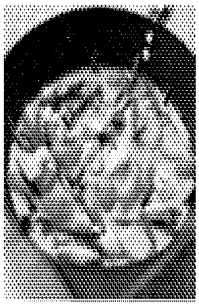

Year
Month
Day
Cousins Party 2010
Fishing in Yellowstone
Montana September 2010

Fig. 10



Desmond's Yellow Thai Chicken Curry

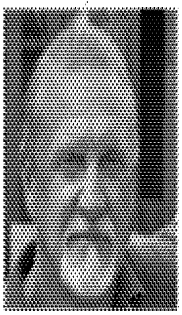
Curry Mix

- Coconut milk (400 ml) – DO NOT SHAKE IT UP
- 800 gram of chicken (4 chicken breast)
- Fish sauce (Nam Pla) Thai Bamboo Garden – Bottle
- Garlic (2 cloves)
- Broccoli (2cups chopped)
- 2 Peppers (chopped)
- 2 Carrots (chopped)
- 1 Zucchini (chopped)
- Thai Basil (8 leaves)
- Lemon Grass (in jar) 1 teaspoon
- Chinese Ginger Root (in jar) 1 teaspoon

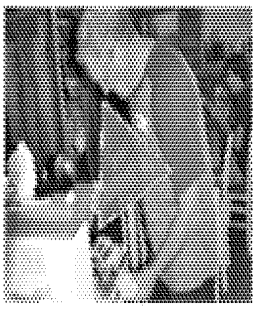
Rice

- Thai Rice (something that only takes 2 cups of water)
- Dice chicken in bowl and add two tablespoons of fish sauce. Let marinate for 20 minutes.
- Take thick part of coconut milk out into pan (about 4 tablespoons), Curry paste, 1 spoon of lemon grass, 1 spoon of ginger and garlic. Heat over high with boil and THEN stir for 1 minute. Add meat (uncooked) and fry until cooked over high heat
- Add milk, brown sugar and salt. Bring back to slight boil and constantly stir. Add veggies and soy sauce. Cook for about 10-14 minutes COVERED until veggies are cooked. Serve with a smile.

Chef: Barry Desmond



Video on How to Make It



Original Handwritten Recipe

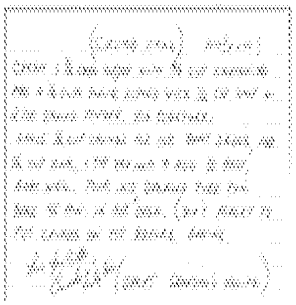
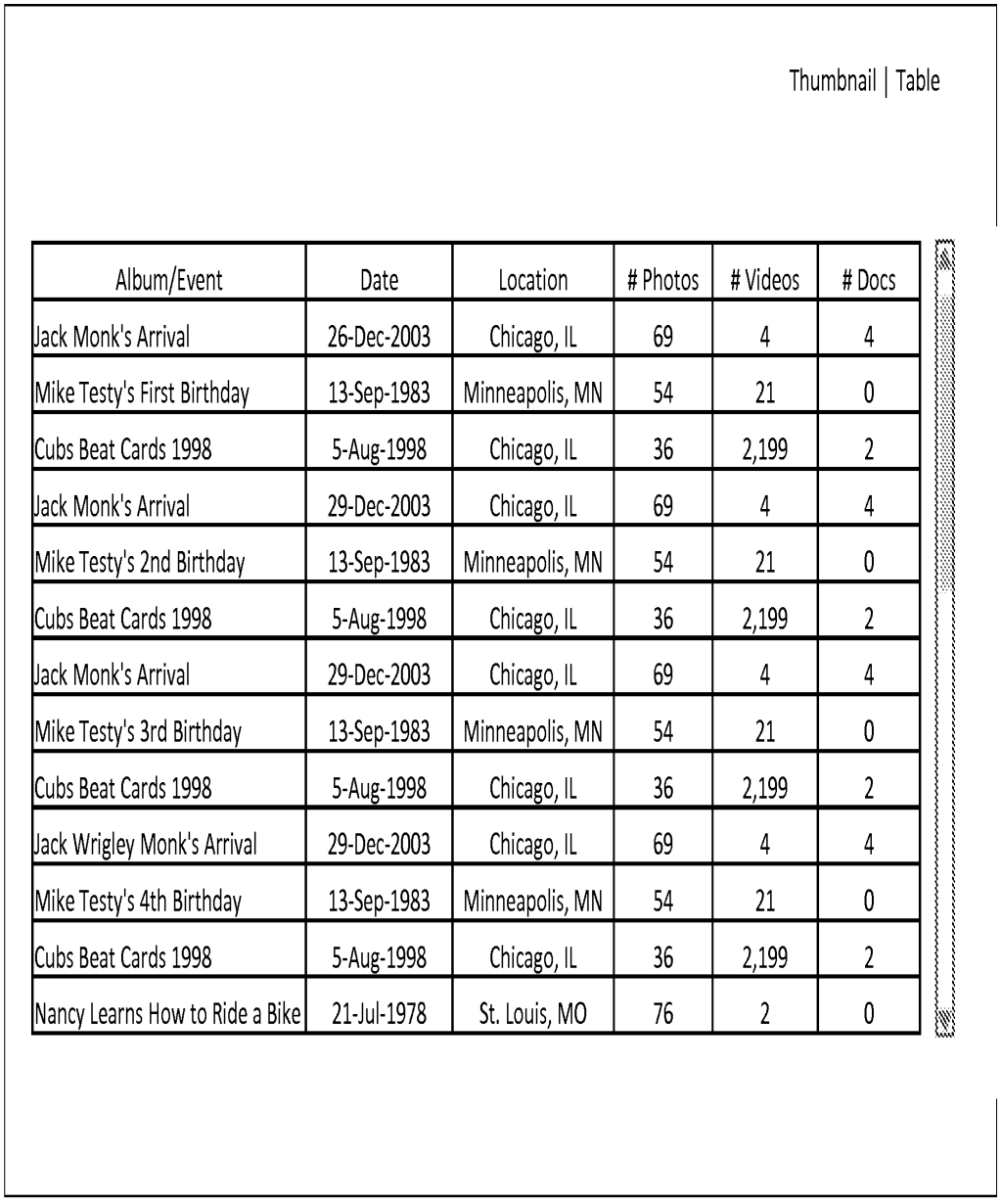
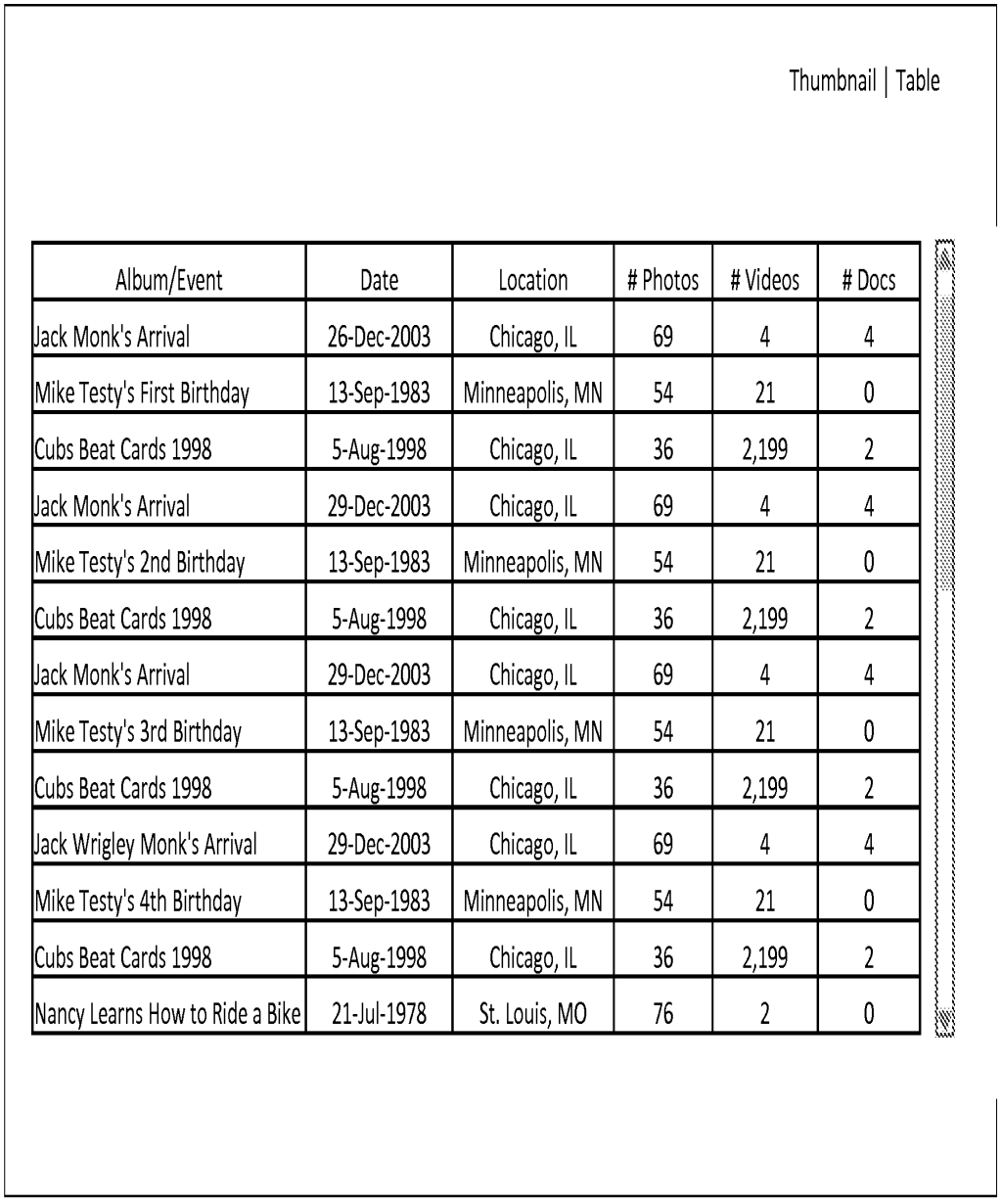


Fig. 11



Album/Event	Date	Location	# Photos	# Videos	# Docs
Jack Monk's Arrival	26-Dec-2003	Chicago, IL	69	4	4
Mike Testy's First Birthday	13-Sep-1983	Minneapolis, MN	54	21	0
Cubs Beat Cards 1998	5-Aug-1998	Chicago, IL	36	2,199	2
Jack Monk's Arrival	29-Dec-2003	Chicago, IL	69	4	4
Mike Testy's 2nd Birthday	13-Sep-1983	Minneapolis, MN	54	21	0
Cubs Beat Cards 1998	5-Aug-1998	Chicago, IL	36	2,199	2
Jack Monk's Arrival	29-Dec-2003	Chicago, IL	69	4	4
Mike Testy's 3rd Birthday	13-Sep-1983	Minneapolis, MN	54	21	0
Cubs Beat Cards 1998	5-Aug-1998	Chicago, IL	36	2,199	2
Jack Wrigley Monk's Arrival	29-Dec-2003	Chicago, IL	69	4	4
Mike Testy's 4th Birthday	13-Sep-1983	Minneapolis, MN	54	21	0
Cubs Beat Cards 1998	5-Aug-1998	Chicago, IL	36	2,199	2
Nancy Learns How to Ride a Bike	21-Jul-1978	St. Louis, MO	76	2	0

Fig. 12



Album/Event	Date	Location	# Photos	# Videos	# Docs
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Cubs Beat Cards 1998	5-Aug-1998	Chicago, IL	36	2,199	2
Jack Wrigley Monk's Arrival	29-Dec-2003	Chicago, IL	69	4	4
Mike Testy's 4th Birthday	13-Sep-1983	Minneapolis, MN	54	21	0
Cubs Beat Cards 1998	5-Aug-1998	Chicago, IL	36	2,199	2
Nancy Learns How to Ride a Bike	21-Jul-1978	St. Louis, MO	76	2	0

Fig. 13

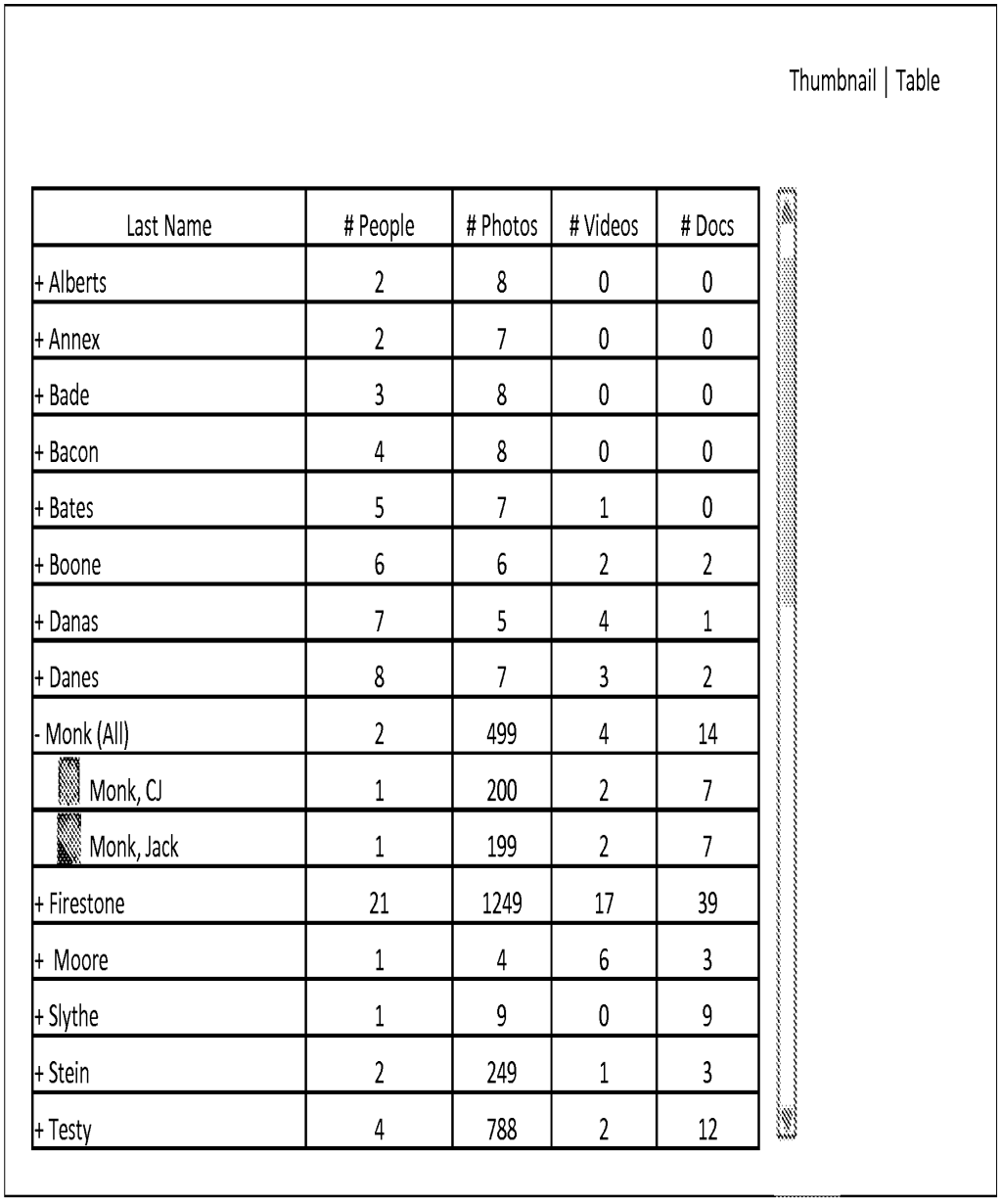

Thumbnail | Table
Last Name
People
Photos
Videos
Docs
+ Alberts 2 8 0 0
+ Annex 2 7 0 0
+ Bade 3 8 0 0
+ Bacon 4 8 0 0
+ Bates 5 7 1 0
+ Boone 6 6 2 2
+ Danas 7 5 4 1
+ Danes 8 7 3 2
- Monk (All) 2 499 4 14
Monk, CJ 1 200 2 7
Monk, Jack 1 199 2 7
+ Firestone 21 1249 17 39
+ Moore 1 4 6 3
+ Slythe 1 9 0 9
+ Stein 2 249 1 3
+ Testy 4 788 2 12

Fig. 14

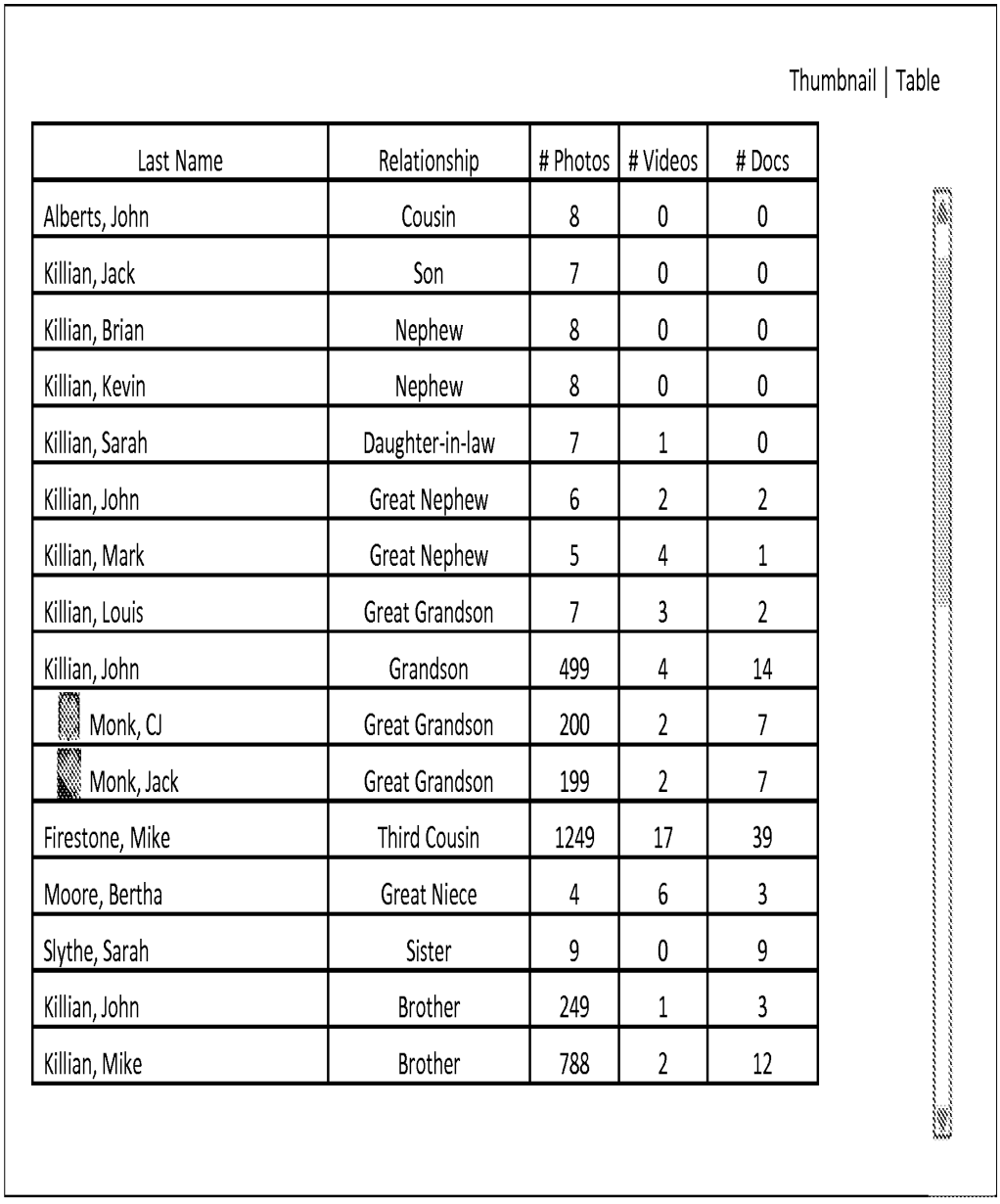
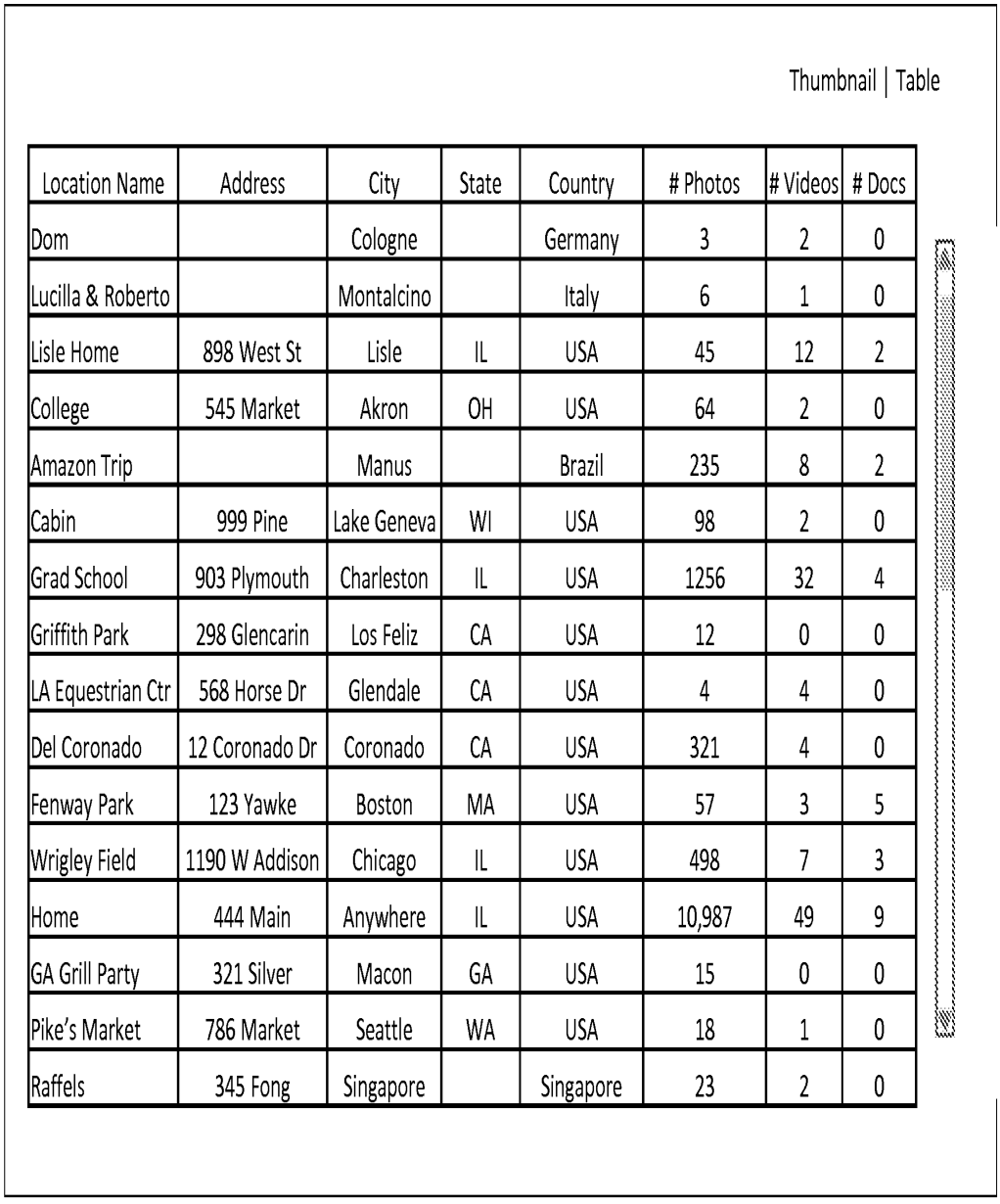

Thumbnail | Table
Last Name
Relationship
Photos
Videos
Docs
Alberts, John
Cousin
8
0
0
Killian, Jack
Son
7
0
0
Killian, Brian
Nephew
8
0
0
Killian, Kevin
Nephew
8
0
0
Killian, Sarah
Daughter-in-law
7
1
0
Killian, John
Great Nephew
6
2
2
Killian, Mark
Great Nephew
5
4
1
Killian, Louis
Great Grandson
7
3
2
Killian, John
Grandson
499
4
14
Monk, CJ
Great Grandson
200
2
7
Monk, Jack
Great Grandson
199
2
7
Firestone, Mike
Third Cousin
1249
17
39
Moore, Bertha
Great Niece
4
6
3
Slythe, Sarah
Sister
9
0
9
Killian, John
Brother
249
1
3
Killian, Mike
Brother
788
2
12

Fig. 15



Location Name	Address	City	State	Country	# Photos	# Videos	# Docs
Dom		Cologne		Germany	3	2	0
Lucilla & Roberto		Montalcino		Italy	6	1	0
Lisle Home	898 West St	Lisle	IL	USA	45	12	2
College	545 Market	Akron	OH	USA	64	2	0
Amazon Trip		Manus		Brazil	235	8	2
Cabin	999 Pine	Lake Geneva	WI	USA	98	2	0
Grad School	903 Plymouth	Charleston	IL	USA	1256	32	4
Griffith Park	298 Glencarin	Los Feliz	CA	USA	12	0	0
LA Equestrian Ctr	568 Horse Dr	Glendale	CA	USA	4	4	0
Del Coronado	12 Coronado Dr	Coronado	CA	USA	321	4	0
Fenway Park	123 Yawke	Boston	MA	USA	57	3	5
Wrigley Field	1190 W Addison	Chicago	IL	USA	498	7	3
Home	444 Main	Anywhere	IL	USA	10,987	49	9
GA Grill Party	321 Silver	Macon	GA	USA	15	0	0
Pike's Market	786 Market	Seattle	WA	USA	18	1	0
Raffels	345 Fong	Singapore		Singapore	23	2	0

Fig. 16

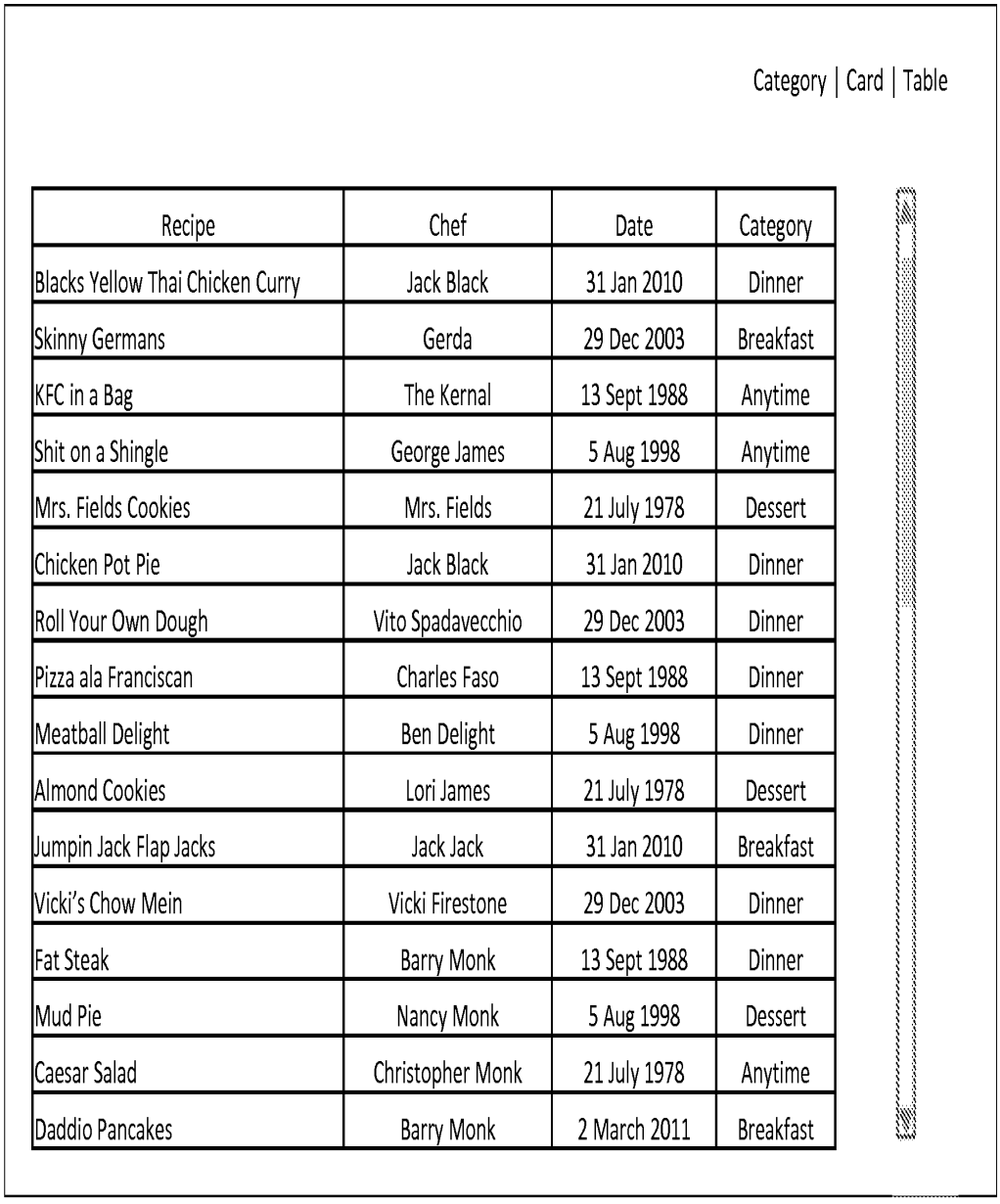

Category | Card | Table
Recipe
Chef
Date
Category
Blacks Yellow Thai Chicken Curry
Jack Black
31 Jan 2010
Dinner
Skinny Germans
Gerda
29 Dec 2003
Breakfast
KFC in a Bag
The Kernal
13 Sept 1988
Anytime
Shit on a Shingle
George James
5 Aug 1998
Anytime
Mrs. Fields Cookies
Mrs. Fields
21 July 1978
Dessert
Chicken Pot Pie
Jack Black
31 Jan 2010
Dinner
Roll Your Own Dough
Vito Spadavecchio
29 Dec 2003
Dinner
Pizza ala Franciscan
Charles Faso
13 Sept 1988
Dinner
Meatball Delight
Ben Delight
5 Aug 1998
Dinner
Almond Cookies
Lori James
21 July 1978
Dessert
Jumpin Jack Flap Jacks
Jack Jack
31 Jan 2010
Breakfast
Vicki's Chow Mein
Vicki Firestone
29 Dec 2003
Dinner
Fat Steak
Barry Monk
13 Sept 1988
Dinner
Mud Pie
Nancy Monk
5 Aug 1998
Dessert
Caesar Salad
Christopher Monk
21 July 1978
Anytime
Daddio Pancakes
Barry Monk
2 March 2011
Breakfast

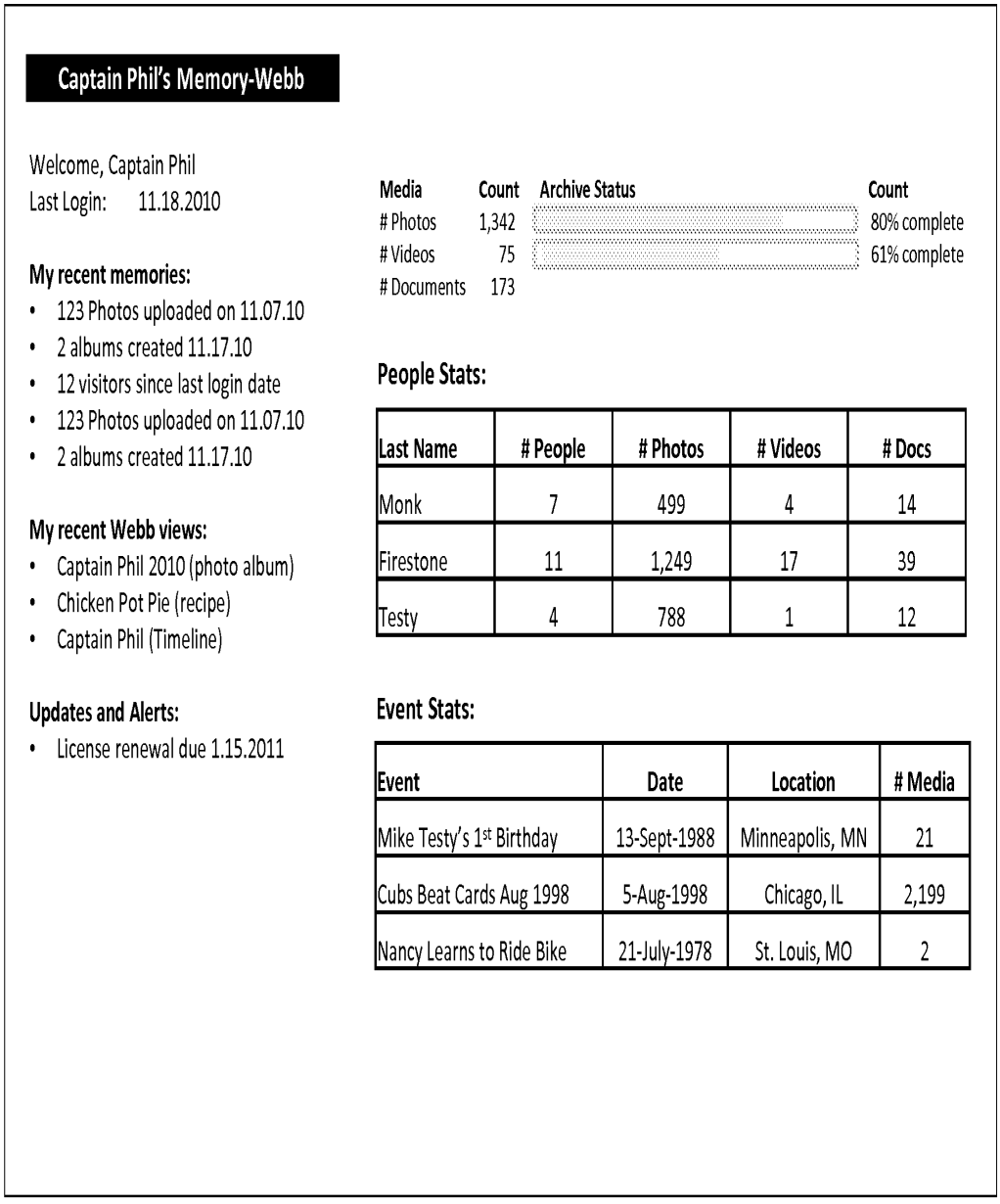
Fig. 17

Fig. 18

Advanced Search Filter

Keywords:	Add
Date:	Add
Location:	
	Chicago, IL USA
	Yellowstone, MT USA
	Cologne, Germany
People:	
	Mike Cubbie
	Mary Lamb
	Christopher Monk
	Nancy Monk
	Dwight Schrut
Event:	
	Jack's 1st Birthday
	Fly Fishing in Yellowstone
	Raking Leaves
	Christmas 2010
	Thanksgiving 2010
	July 4th Parade
Album:	Add
Star Ranking:	Add
Sharing Rights:	Add
Document Type:	Add

Fig. 19


Captain Phil's Memory-Webb
Welcome, Captain Phil
Last Login: 11.18.2010
My recent memories:
• 123 Photos uploaded on 11.07.10
• 2 albums created 11.17.10
• 12 visitors since last login date
• 123 Photos uploaded on 11.07.10
• 2 albums created 11.17.10
My recent Webb views:
• Captain Phil 2010 (photo album)
• Chicken Pot Pie (recipe)
• Captain Phil (Timeline)
Updates and Alerts:
• License renewal due 1.15.2011
Media Count
Photos 1,342
Videos 75
Documents 173
Archive Status Count
80% complete
61% complete
People Stats:
Last Name # People # Photos # Videos # Docs
Monk 7 499 4 14
Firestone 11 1,249 17 39
Testy 4 788 1 12
Event Stats:
Event Date Location # Media
Mike Testy's 1st Birthday 13-Sept-1988 Minneapolis, MN 21
Cubs Beat Cards Aug 1998 5-Aug-1998 Chicago, IL 2,199
Nancy Learns to Ride Bike 21-July-1978 St. Louis, MO 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	13/157,214
Applicants	:	Christopher Desmond et al.
Filed	:	June 9, 2011
Title	:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
Confirmation No.	:	6707
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Customer No.:	:	70001
Docket No.	:	069366-000002USPT

RESPONSE TO NON-FINAL OFFICE ACTION DATED NOVEMBER 26, 2013

Mail Stop Amendment – via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Non-Final Office Action dated November 26, 2013, which set a shortened statutory period for response of three months from that date, *i.e.*, by February 26, 2014, and this response is being filed with a one-month extension of time fee. This paper is being submitted on that date, and thus is timely. Please consider the following amendments and enter the following remarks into the record for this application.

Amendments to the Drawings begin on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 7 of this paper.

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to FIGs. 1-19. These sheets, which include FIG. 1-19, replace the original sheets.

Attachment: Replacement Sheets

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A web-based digital ~~photo~~ photograph storage system comprising:

a digital file repository for storing and retrieving digital ~~files~~ photographs via the Internet;

~~a processor coupled to the digital file repository;~~

a digital tagging system ~~processor~~ coupled to the digital file repository and configured to assign digital tags to the digital ~~files~~ photographs in response to user inputs, and embed such digital tags [[on]] in the digital ~~files~~ photographs in a non-proprietary file format, wherein the digital ~~tagging system comprises~~ tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system ~~processor~~ coupled to the digital file repository and configured to sort and retrieve ~~wherein the sorting system allows~~ the digital photographs and associated digital tags ~~files to be sorted~~ according to a plurality of types of data in said digital tags at a time; and

a single user interface ~~processor~~ coupled to the digital file repository, the digital tagging system and the sorting system [[and]] to present ~~through which the types of data are selected by the user; wherein the single user interface presents both~~ the digital tagging system, the sorting system and the sorted digital photographs to the user, and to enable the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs ~~files~~; and

wherein ~~a user enters the embedded tag data using the interface~~ said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs.

2. (Previously Presented) The storage system of claim 1, wherein in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag.

3. (Previously Presented) The storage system of claim 1, wherein the user interface organizes and presents the digital files based on the type of data selected by the user.

4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.

7. (Previously Presented) The storage system of claim 1, wherein the digital files including the embedded digital tags can be exported within the file's original format.

8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

storing [[a]] digital photographs in a file repository from which said digital photographs can be retrieved;

associating a plurality of digital tags having different tag types with the digital photographs in response to user inputs, and embedding such digital tags in the digital photographs in a non-proprietary file format, [[;]]

~~providing a search function that permits simultaneous searching by a plurality of non-proprietary digital tag types and provides a search result; and~~

~~providing a user-configurable interface to simultaneously permit use of the search function and to display the search result;~~

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event a collections name, a rating, and a document type;

sorting and retrieving the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

enabling the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs; and

displaying said assigned tag data associated with any digital photograph selected from said repository, along with the selected photograph on a user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs.

.

9. (Previously Presented) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Previously Presented) The method of claim 8, further comprising the step of outputting a digital photograph wherein the digital files including the embedded digital tags can be exported within the file's original format.

13. (Currently Amended) A web-based digital ~~file~~ photograph storage system comprising:

a digital file repository for storing and retrieving digital ~~files~~ photographs;

~~a processor coupled to the digital file repository;~~

a digital tagging system coupled to the digital file repository and configured to assign a plurality digital tags to the digital ~~files~~ photographs in response to user inputs, and to embed such digital tags in the digital photographs in a non-proprietary file format, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system~~, wherein the sorting system allows the digital files to be sorted~~ a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time ~~and to be exported with the plurality of digital tags embedded on the digital files~~; and

~~wherein the embedded tag data is automatically imported from the file and~~

~~a user interface simultaneously displays the sorting system, the digital files, and the digital tags; and~~

~~wherein a user embeds tag data in a non-proprietary digital format in the underlying digital file using the interface~~

a single user interface coupled to the digital file repository and the sorting system to present both the sorting system and the sorted digital photographs to the user, and to enable the user to

input digital photographs to the digital file repository,

input data to the digital tags associated with selected digital photographs, and

export selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Canceled)

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

21. (New) The method of claim 8 in which, in response to a user clicking on a retrieved photograph, the system automatically retrieves the tag data associated with the clicked photograph.

REMARKS

Claims 1-20 were previously pending in the present application. Claims 1, 8 and 13 are amended, and claim 19 is canceled. A new dependent claim 21 has been added. After entering this amendment, claims 1-18 and 20-21 remain pending for prosecution.

Interview

Applicants appreciate the interview afforded them and their undersigned counsel by Examiner Hicks on February 20, 2014. As confirmed by the Applicant-Initiated Interview Summary dated February 25, 2014, the Examiner noted in the interview that "more detailed claims were needed to fully describe the functionality and operation of the presented system." Accordingly, Applicants are presenting more detailed claims in this response.

Specifically, Applicants have amended independent claims 1 and 8 to limit these claims to a system for managing digital photographs, and to require that the information contained in the digital tags associated with any photograph stored in the digital file repository of Applicants' claimed system, can be displayed along with the photograph on the user interface. Screenshots of such displays are shown in the screenshots in Figs. 1, 2 and 18 of Applicants' drawings, where all the information displayed on the right-hand side of the screen is information from the digital tags associated with the displayed photographs. It can be appreciated from these figures that the display of the tag information alongside the photographs enriches the experience of viewing the photographs because the tag information can provide the viewer with information regarding both the history and content of the photograph(s).

Independent claim 13 has been amended to limit this claim to a system for managing digital photographs, and to require a system that can "export selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags." (The original dependent claim 19 directed to exporting the digital files and data as a single file has been canceled.) This feature provides the user with a wide range of options for sharing and managing digital photographs without any reduction in the benefits provided by the tag information to anyone who views the photographs.

Drawings

Replacements drawings for all the original Figs. 1-19 were included with the Interview Request Form, and are submitted herewith. The replacement drawings are the same as the original drawings except that the format has been changed from white-on-black to black-on-white, to improve the clarity.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-20

Original claims 1-20 were rejected under 35 U.S.C. §103(a) as being obvious over Kustanowitz et al. "Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives," Tech. Report HCIL-2004-18, U. Maryland, 2005 ("Kustanowitz") in view of Rhoads U.S. Patent No. 7,372,976 ("Rhoads"). The Office Action acknowledged that "Kustanowitz fails to explicitly disclose that the tags are embedded within the digital files in a non-proprietary format" (Office Action, p. 6), and alleges that Rhoads overcomes that shortcoming of Kustanowitz.

Kustanowitz discusses a number of different annotating techniques for digital photo libraries, but does not disclose a system that meets the requirement in Applicants' amended claims 1 and 8 that "said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs." Nor does Kustanowitz disclose a system that enables a user to "export selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags," as required by Applicants' amended independent claim 13.

Rhoads discloses a system for managing digital content by using watermarks to link the content to related metadata. However, there is no suggestion in Rhoads of displaying the digital content with the the information in the watermarks displayed alongside the digital content, nor of exporting selected digital photographs and all digital tags embedded in the selected digital photographs in a non-proprietary file format, including all the data in the embedded digital tags. Nor does Rhoads relate specifically to the management of digital photographs.

Thus, even if Rhoads were to be somehow combined with Kustanowitz, and resulting combination would necessarily still be lacking the combined features required by Applicants' claims 1, 8 and 13 as now amended.

Dependent claims 2-7 are dependent on the amended claim 1, dependent claims 9-12 are dependent on the amended claims 8, and dependent claims 14-18 and 20 are dependent on the amended claim 13. Thus, all these dependent claims distinguish over Kustanowitz and Rhoads for the same reasons set forth above with respect to the independent claims.

Accordingly, reconsideration of claims 1-18 and 20, in light of the amendments to the independent claims 1, 8 and 13, is respectfully requested.

New Dependent Claim 21

The new dependent claim 21 is supported by Fig. 9 of Applicants' drawings and the description of that figure in paragraph [0042] of the specification.

CONCLUSION

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A one month extension of time fee is being submitted concurrently herewith. It is believed that no additional fees are due in connection with the filing of this Response. However, should any fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 50-4181/069366-000002USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

Date: March 26, 2014

By: /Stephen G. Rudisill, Reg. No. 20,087/
Stephen G. Rudisill, Reg. No. 20,087
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300 South Riverside Plaza, 16th Floor
Chicago, Illinois 60606
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(866) 513-5365 – Direct Facsimile

ATTORNEY FOR APPLICANTS

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	Stephen G. Rudisill/Carla Rivera
Attorney Docket Number:	069366-000002USPT

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	100	100

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	18585835
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Stephen G. Rudisill/Carla Rivera
Filer Authorized By:	Stephen G. Rudisill
Attorney Docket Number:	069366-000002USPT
Receipt Date:	26-MAR-2014
Filing Date:	09-JUN-2011
Time Stamp:	14:03:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$100
RAM confirmation Number	297
Deposit Account	504181
Authorized User	

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

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

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

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	**Document Description**	**File Name**	**File Size(Bytes)/ Message Digest**	**Multi Part /.zip**	**Pages (if appl.)**
1	Drawings-only black and white line drawings	069366-2USPT_revised_drawings.pdf	1135462 a9d7de65e320c16c5997db7b304d19e7229d441d	no	19
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
2		069366-2USPT_Response_to_Office_Action.pdf	140635 19a6f319a77f1b8a67090b095e40d9e024cc25e6	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	1	1
	Drawings-other than black and white line drawings	2	2
	Claims	3	6
	Applicant Arguments/Remarks Made in an Amendment	7	9

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30147 6f4e6ac4da88a9aad9aa97f7641d51f9083a04d9	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1306244	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

SCORE Placeholder Sheet for IFW Content

Application Number: 13157214 Document Date: 03/26/2014

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions below.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (http://Score.uspto.gov/ScoreAccessWeb/).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

Form Revision Date: September 30, 2013

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	03/26/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

SLIE
/DARRYL FORTE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
04/30/2014	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *26 March 2014*.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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

5)☒ Claim(s) *1-18,20 and 21* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-18 and 20-21* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

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) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

2. Claims 1-18 and 20-21 Pending.

Claim 19 Canceled.

Response to Arguments

3. Applicant's arguments filed 03/26/2014 have been fully considered but they are not persuasive.

As per Applicant's arguments regarding the limitation of "said assigning tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs", Examiner respectfully disagrees. Examiner notes that such limitations appears to be related to the previously presented limitation of Claim 2 which specifies that the files may be sorted by clicking on the digital tags, as the tags must be displayed on the user interface in order of the user to interact with the tags using the user interface and that Applicant has not provided substantial argument regarding this limitations, but merely states that Kustanowitz and Rhoads fail to disclose such a limitation. Examiner further notes that the limitation is believed to be disclosed at least by Figure 1 of Kustanowitz which

clearly indicates that all tags associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed.

As per Applicant's arguments regarding he limitation of "exporting selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags", Examiner respectfully disagrees. Examiner notes that such limitations, added to independent Claim 13 are of substantially the same scope as the limitations of Canceled Claim 19, and arguments regarding the exporting and non-proprietary file formats were presented in the previous response dated 09/16/2013. The previously presented arguments were addressed in the previous Office Action dated 11/26/2013. As Applicant's arguments regarding this limitation within the instant Office Action amount to an assertion that the cited prior art fails to teach these elements and no new substantial arguments have been presented, Examiner previous remarks will be reiterated herein:

As per Applicant's arguments regarding the embedding of tags, Examiner respectfully disagrees. Examiner notes that Applicant fails to support the assertion that Kustanowitz does not allow a user to embed data tags within the original underlying file. Examiner further notes that Applicant appears to argue both that at least some digital media files (i.e. file types) naturally support tag based annotation and that the digital

files used within the systems of Kustanowitz and Rhodes do not support such inherent tag-based annotation. Examiner asserts, however, that the disclosure of Rhoads clearly and explicitly indicates that the metadata tags are embedded into the digital files themselves via watermarks (i.e. Rhoads, Column 8, Lines 23-24, "…the watermark may contain keyword information (i.e. content type tags) about a scene in a an image…") and asserts that the inclusion of the watermark within a digital file does not alter the underlying file type. While Rhoads does further include an indexed database of tags and file relations (i.e. indices of tags which include pointers to files which include the tags), the existence of such a database, which is intended to facilitate searching and related file lookup, does not preclude the tags themselves from being included in the files via the watermarks. Examiner further asserts that, as the tags are clearly embedded into the files, the capabilities of the systems of both Kustanowitz and Rhoads to import and export the digital files demonstrates that the tags may be imported and exported as well and that the tags of Kustanowitz and the watermarks of Rhoads are not described as being proprietary, but rather use well known annotation and watermarking methods to represent the tag and watermark information.

Examiner further notes that no expansion of the claim language to include the specific functionalities associated with the various tags of the instant invention, as discussed in the interview which took place on 02/20/2014 are presented with the instant submission. The instantly presented claim amendments appear to be expanded description of previously claimed subject matter.

In light of the above arguments, the rejection will be updated to reflect amendments made to the claims and maintained.

Claim Objections

4. Claim 13 objected to because of the following informalities: Examiner notes that, within the limitation of “a sorting system”, the opening phrase of “a sorting system” appears to be repeated. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 3, 7, and 12 rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

Claims 2, 3, 7, and 12 recite the limitation "the digital files”, however, each of the independent claims has been amended to remove such language in favor of the

language of “the digital photographs”. As such, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-18 and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005 and referred to hereinafter as Kustanowitz) in view of Rhoads et al. (U.S. Patent Number 7,372,976, Issued 05/13/2008, Filed 08/22/2006 and referred to hereinafter as Rhoads).

As per Claim 1, Kustanowitz discloses a web-based digital photograph storage system comprising: a digital file repository for storing and retrieving digital photographs via the Internet (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a digital tagging coupled to the digital file repository configured to assign digital tags to the digital photographs in response to user inputs, wherein the digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3

and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories. Further see Section 2.1 and Figure 1 which clearly disclose that tags may be embedded into the files using the interface, either through a drag and drop interaction or a selection and labeling interaction.); a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner further notes that at least Figure 1 discloses that multiple tags may be sorted and retrieved at a time, as can be seen within the multiple tags displayed in the tree-view based sidebar at a time.); and a single user interface coupled to the digital tagging and sorting system to present the digital tagging system, the sorting system and the sorted digital photographs to the user (See Section 2.1 and Figure 1), and to enable the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs (See Section 2.1 and Figure 1 which clearly disclose that files may be added to the repository (i.e. “dropped when first imported”) and that digital tags may be selectively added to the files using the interface (i.e. either the tag name…or the category…can be dragged and dropped onto a picture in order to classify it"). Examiner notes that the dragging and dropping may be done in either direction (i.e. tags to photos or photos to tags) and that multiple selection of photos and tags is supported.); wherein said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs (See Figure 1 which clearly indicate that all tags

associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.).

Kustanowitz fails to explicitly disclose that the digital tags are embedded within the digital photographs in a non-proprietary file format.

Rhoads discloses that the digital tags are embedded within the digital photographs in a non-proprietary file format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further see Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exist and be embedded in non-proprietary file formats.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the digital tags are embedded within the digital photographs in a non-proprietary file format with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claim 2, Kustanowitz discloses in response to a user clicking on a digital tag, the system sorts the digital files based on the clicked digital tag (See Section 2.1 and Figure 1 clearly describe and illustrate an interface wherein the tags are represented by a tree-

based folder structure, and that the selecting (i.e. clicking) a folder of the tree based structure representing a particular tag will result in a presentation of all items of content (i.e. pictures) which have been tagged with the selected tag).

As per Claim 3, Kustanowitz discloses the user interface organizes and presents the digital files based on the type of data selected by the user (See Section 2.1 and Figure 1 clearly describe and illustrate an interface wherein the tags are represented by a tree-based folder structure, and that the selecting (i.e. clicking) a folder of the tree based structure representing a particular tag will result in a presentation of all items of content (i.e. pictures) which have been tagged with the selected tag).

As per Claims 4, 10, and 16, Kustanowitz discloses a system for tracking relationships between users, so that a family tree can be displayed (See Section 4.1 which clearly discloses that the tags may be used to track relationships which may be used to form a family tree or organizational chart.).

As per Claims 5, 11, and 17, Kustanowitz discloses a system for linking a recipe to a person's name or to a user (See Section 2.1 which clearly discloses that free text annotations may be added to photos and Section 4.1 which indicates that the photos may be linked to names. Examiner asserts that the subject matter of a recipe does not affect the functionality of the system and as such is considered to be non-functional descriptive material. Examiner asserts that as free-text information may be associated with the names and photos, the limitation is sufficiently disclosed.).

As per Claims 6 and 18, Kustanowitz discloses the user interface is user-configurable (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

As per Claims 7 and 12, Kustanowitz discloses the digital files including the embedded digital tags can be exported within the file's original format (See Section 4.1 which clearly discloses that the files of the collection may be chosen for personal and professional use which indicates that single or multiple files may be exported for use in other applications. Examiner notes that no change of file format is necessitated to export files in this manner.).

Rhoads further explicitly discloses that the exported files are in the original file format (See Column 7, Lines 27-52 and Column 8, Lines 24-25 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exists and be embedded in non-proprietary file formats.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to explicitly include hat the exported files are in the original file format with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claim 8, Kustanowitz discloses a computer-implemented method of storing digital photographs , the method comprising the steps of: storing digital photographs in a file repository from which said digital photographs can be retrieved (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); associating a plurality of digital tags having different tag types with the digital photographs in response to user inputs (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged by a user with various forms of information including at least names of people, dates, relationships, and categories.); wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); sorting and retrieving the digital photographs and associated digital tags according to a plurality of types of da tags at a time (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner further notes that at least Figure 1 discloses that multiple tags may be sorted and retrieved at a time, as can be seen within the multiple tags displayed in the tree-view based sidebar at a time.); and enabling the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs (See Section 2.1 and Figure 1 which clearly disclose that files may be added to the repository (i.e. “dropped when first imported”) and that digital tags may be selectively added to the files using the interface (i.e. either the tag name…or the category…can be dragged and dropped onto a picture in order to classify it"). Examiner

notes that the dragging and dropping may be done in either direction (i.e. tags to photos or photos to tags) and that multiple selection of photos and tags is supported.); and displaying said assigned tag data associated with any digital photograph selected from said repository, along with the selected photograph on a user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs (See Figure 1 which clearly indicate that all tags associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.).

Kustanowitz fails to disclose embedding the digital tags in the digital photographs in a non-proprietary file format and that the searching of tag types simultaneously searches a plurality of non-proprietary tag types.

Rhoads further discloses embedding the digital tags in the digital photographs in a non-proprietary file format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further see Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exist and be embedded in non-proprietary file formats.) and that the searching of tag types simultaneously searches a plurality of non-proprietary tag types (See Column 7, Lines 27-52 and Column 8 Lines 24-25 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable

index based on the metadata. Examiner notes that all the tags are indexed and as such are simultaneously searchable and that the metadata tags are clearly described as being non-proprietary (i.e. inherent to file type).).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include embedding the digital tags in the digital photographs in a non-proprietary file format and that the searching of tag types simultaneously searches a plurality of non-proprietary tag types with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claims 9 and 14, Kustanowitz discloses providing access to the file repository via (e.g. the digital file repository is accessible over) the Internet (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.).

As per Claim 13, Kustanowitz discloses a web-based digital photograph storage system comprising: a digital file repository for storing and retrieving digital photographs (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a digital tagging coupled to the digital file repository configured to assign digital tags to the digital photographs in response to user inputs, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3

and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories. Further see Section 2.1 and Figure 1 which clearly disclose that tags may be embedded into the files using the interface, either through a drag and drop interaction or a selection and labeling interaction.); a sorting system a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner further notes that at least Figure 1 discloses that multiple tags may be sorted and retrieved at a time, as can be seen within the multiple tags displayed in the tree-view based sidebar at a time.); and a single user interface coupled to the digital tagging and sorting system to present both the sorting system and the sorted digital photographs to the user (See Section 2.1 and Figure 1), and to enable the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs (See Section 2.1 and Figure 1 which clearly disclose that files may be added to the repository (i.e. “dropped when first imported”) and that digital tags may be selectively added to the files using the interface (i.e. either the tag name…or the category…can be dragged and dropped onto a picture in order to classify it"). Examiner notes that the dragging and dropping may be done in either direction (i.e. tags to photos or photos to tags) and that multiple selection of photos and tags is supported.); wherein said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs (See Figure 1 which clearly indicate that all tags

associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.).

Kustanowitz fails to disclose the plurality of digital tags are embedded within the digital photographs and that the tags are embedded within the digital photographs in a non-proprietary format and further exporting selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary format, including all the data in said embedded digital tags.

Rhoads discloses that the plurality of digital tags are embedded within the digital photographs and that the tags are embedded within the digital photographs in a non-proprietary format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exists and be embedded in non-proprietary file formats.) and exporting selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary format, including all the data in said embedded digital tags (See Column 7, Lines 27-52 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further See Column 9, Lines 50-67 and Column 10, Lines 1-11 which indicate that files may be fetched by (i.e. exported to or

imported from) other computers within a network. Examiner notes that, if the metadata is embedded in the files, the metadata will be exported or imported as part of the file during an export or import operation.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the plurality of digital tags are embedded within the digital photographs and that the tags are embedded within the digital photographs in a non-proprietary format and further exporting selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary format, including all the data in said embedded digital tags with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claim 15, Kustanowitz discloses the sorting system provides a user with the ability to search based on a plurality of digital tags (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date.).

As per Claim 20, Kustanowitz discloses a user-configurable display (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

As per Claim 21, Kustanowitz discloses in response to a user clicking on a retrieved photograph, the system automatically retrieves the tag data associated with

the clicked photograph (See Figure 1 which clearly indicate that all tags associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed, that the photographs may be selected via clicking on the photographs, and that the tag data must be retrieved to be displayed.).

Conclusion

9. **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.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL HICKS whose telephone number is (571)272-2670. The examiner can normally be reached on M-F 9:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Hicks/
Primary Examiner
Art Unit 2165
Phone: (571)272-2670
Fax: (571)272-2670

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	Art Unit
	MICHAEL HICKS	2165

CPC- SEARCHED		
Symbol	Date	Examiner
G06F 17/30268, 3028, 30946, 30998, 30997	11/21/2013	mjh

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
707	706, 736 (Limited Text)	11/13/2012	mjh

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	11/13/2012	mjh
Double Patenting Search	11/13/2012	mjh
East Search (See Attached)	11/13/2012	mjh
NPL Search (See Attached)	11/13/2012	mjh
Updated NPL Search (See Attached)	3/13/2013	mjh
Review of Previously Identified Art	3/13/2013	mjh
Review of Previously Identified Art	11/21/2013	mjh
Updated EAST Search (See Attached) (CPC)	11/21/2013	mjh
Updated EAST Search (See Attached) (CPC)	4/29/2014	mjh
Review of Previously Identified Art	4/29/2014	mjh

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/M.H./ Primary Examiner.Art Unit 2165

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	**Art Unit**
	MICHAEL HICKS	2165

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

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

CLAIM		DATE								
Final	Original	11/13/2012	03/13/2013	11/21/2013	04/29/2014					
	1	✓	✓	✓	✓					
	2	✓	✓	✓	✓					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					
	6	✓	✓	✓	✓					
	7	✓	✓	✓	✓					
	8	✓	✓	✓	✓					
	9	✓	✓	✓	✓					
	10	✓	✓	✓	✓					
	11	✓	✓	✓	✓					
	12	✓	✓	✓	✓					
	13	✓	✓	✓	✓					
	14	✓	✓	✓	✓					
	15	✓	✓	✓	✓					
	16	✓	✓	✓	✓					
	17	✓	✓	✓	✓					
	18	✓	✓	✓	✓					
	19	✓	✓	✓	-					
	20	✓	✓	✓	✓					
	21				✓					

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	4096	desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:01
S2	4	desmond.in. tag$3 (family same tree$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:02
S3	1	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:03
S4	18	desmond.in. tag$3 (photo$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:04
S5	17135	(photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:05
S6	78	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:05
S7	8252	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:06
S8	54	(707/706.ccls. or 707/736.ccls.)	US-PGPUB;	AND	OFF	2012/11/13

		(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			19:06
S9	5781	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:06
S10	44	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
S11	550	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
S12	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:07
S13	154	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:08
S14	0	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:09
S15	3	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3) (export$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 19:09
S16	89	"7372976"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	AND	OFF	2013/03/13 15:17

			IBM_TDB			
S17	1038	G06F ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:14
S18	0	G06F same ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:21
S19	89	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:22
S20	3	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:22
S21	1	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:22
S22	14	G06F ("30268")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:24
S23	6	G06F ("30268") (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 13:25
S24	2025	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 14:56
S25	321	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or	US-PGPUB; USPAT; USOCR; FPRS; EPO;	AND	OFF	2014/04/29 14:56

		G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4))	JPO; DERWENT; IBM_TDB			
S26	6	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 14:56
S27	4	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 14:56
S28	334	G06F17/30268.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 14:56
S29	124	G06F17/30268.cpc. (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 14:57

EAST Search History (Interference)

<This search history is empty>

4/29/2014 6:57:21 PM
C:\Users\mhicks1\Documents\EAST\Workspaces\13157214.wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	13/157,214
Applicants	:	Christopher Desmond et al.
Filed	:	June 9, 2011
Title	:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
Confirmation No.	:	6707
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Customer No.:	:	70001
Docket No.	:	069366-000002USPT

RESPONSE TO FINAL OFFICE ACTION DATED APRIL 30, 2014

Mail Stop Amendment – via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Final Office Action dated April 30, 2014, which set a shortened statutory period for response of three months from that date, *i.e.*, by July 30, 2014. Applicants are concurrently submitting a one-month extension of time fee extending the time for reply to August 30, 2014. Thus, this reply is timely. Please consider the following amendments and enter the following remarks into the record for this application.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A web-based digital photograph storage system comprising:

a digital file repository for storing and retrieving digital photographs via the Internet;

a digital tagging system coupled to the digital file repository and configured to assign user-generated digital tags of arbitrary length to the digital photographs in response to user inputs, and embed such digital tags in the digital photographs in a non-proprietary file format, wherein the digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

a single user interface coupled to the digital file repository, the digital tagging system and the sorting system to present the digital tagging system, the sorting system and the sorted digital photographs to the user, and to enable the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs; and

wherein said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs.

2. (Currently Amended) The storage system of claim 1, wherein in response to a user clicking on a digital tag, the system sorts the digital ~~files~~ photographs based on the clicked digital tag.

3. (Currently Amended) The storage system of claim 1, wherein the user interface organizes and presents the digital ~~files~~ photographs based on the type of data selected by the user.

4. (Original) The storage system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. (Original) The storage system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Original) The storage system of claim 1, wherein the user interface is user-configurable.

7. (Currently Amended) The storage system of claim 1, wherein the digital ~~files~~ photographs including the embedded digital tags can be exported within the file's original format and transferred to a different digital archiving system without losing said digital tags, so that the transferred digital files can be viewed along with the transferred digital tags.

8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

storing digital photographs in a file repository from which said digital photographs can be retrieved;

associating a plurality of digital tags having arbitrary lengths and different tag types with the digital photographs in response to user inputs, and embedding such user-generated digital tags in the digital photographs in a non-proprietary file format,

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event a collections name, a rating, and a document type;

sorting and retrieving the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

enabling the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs; and

displaying said assigned tag data associated with any digital photograph selected from said repository, along with the selected photograph on a user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs.

9. (Previously Presented) The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Currently Amended) The method of claim 8, further comprising the step of outputting a digital photograph wherein the digital ~~files~~ photographs including the embedded digital tags can be exported within the file's original format.

13. (Currently Amended) A web-based digital photograph storage system comprising:

a digital file repository for storing and retrieving digital photographs;

a digital tagging system coupled to the digital file repository and configured to assign a plurality of user-generated digital tags of arbitrary lengths to the digital photographs in response to user inputs, and to embed such digital tags in the digital photographs in a non-proprietary file format, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

~~a sorting system~~ a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

a single user interface coupled to the digital file repository and the sorting system to present both the sorting system and the sorted digital photographs to the user, and to enable the user to

input digital photographs to the digital file repository,

input data to the digital tags associated with selected digital photographs, and

export selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Canceled)

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

21. (Previously Presented) The method of claim 8 in which, in response to a user clicking on a retrieved photograph, the system automatically retrieves the tag data associated with the clicked photograph.

REMARKS

Claims 1-18, 20 and 21 were previously pending in the present application. Claims 1-3, 7-8 and 12-13 are amended. No claims are canceled. After entering this amendment, claims 1-18 and 20-21 remain pending for prosecution.

Claim Objection

The redundancy of "a sorting system" noted in claim 13 has been corrected by the above amendment to this claim.

Claim Rejections Under 35 U.S.C. § 112

Claims 2-3, 7 and 12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of the lack of antecedent basis for "the digital files." Claims 2, 3, 7 and 12 have been amended to change "the digital files" to "the digital photographs," which has antecedent basis in the parent claims 1 and 8.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-18 and 20-21

Claims 1-18 and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kustanowitz et al. "Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives," Tech. Report HCIL-2004-18, U. Maryland, 2005 ("Kustanowitz") in view of U.S. Patent No. 7,372,976 ("Rhoads").

The Office Action acknowledged that "Kustanowitz fails to explicitly disclose that the tags are embedded within the digital files in a non-proprietary format" (Office Action, p. 6), and alleges that Rhoads overcomes that shortcoming of Kustanowitz.

Kustanowitz discusses a number of different annotating techniques for digital photo libraries, but does not disclose a system that meets the requirement in Applicants' amended claims 1 and 8 that "said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs." Nor does Kustanowitz disclose a system that enables a user to "export selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags," as required by Applicants' amended independent claim 13.

Rhoads discloses a system for managing digital content by using watermarks to link the content to related metadata. However, there is no suggestion in Rhoads of displaying the digital content with the the information in the watermarks displayed alongside the digital content, nor of exporting selected digital photographs and all digital tags embedded in the selected digital photographs in a non-proprietary file format, including all the data in the embedded digital tags. Nor does Rhoads relate specifically to the management of digital photographs.

Thus, even if Rhoads were to be somehow combined with Kustanowitz, any resulting combination would necessarily still be lacking the combined features required by Applicants' claims 1, 8 and 13 as now amended.

Submitted herewith is a Declaration of Dr. Kustanowitz, who is one of the authors of the Kustanowitz reference. In this Declaration, Dr. Kustanowitz points out that the Rhoads patent teaches the use of digital watermarking "to embed simple tags in image files, such that when paired with a shared database, full metadata can be extracted from the database." He further points out that "His examples center around metadata embedded at the source (for protection, tracking, song/album/artist names, etc.) intended to follow the media files as they are moved around." Dr. Kustanowitz then goes on to compare both his own paper and the Rhoads patent with the present Applicants' invention, including the claims, as follows:

> 10. My understanding of the invention described in the Desmond patent application is that it relates to dynamic user tags embedded in image files as part of the process of annotation. This **differs in intent** from the methods described by Rhoads in that the Desmond tags are meant for use by individuals/consumers of the photos as opposed to by the producers of the photos. Specifically, consumers will likely add tags that are meaningful to them such as first names of family members, place nicknames ("the old school parking lot"), etc., and each user would have different tags for the same photo. Producer metadata described by Rhoads would be more empirical/observer independent, such as GPS coordinates, photographer name, copyright owner, photograph date, etc. for photos, or song, album, and artist names for music (as referenced in Rhoads, column 7, line 15) and these would travel with the photo and be the same for any potential viewer. Rhoads does allude to user-inputted metadata (column 10, line 38) but this is still within the context of producer-generated metadata aimed at establishing an empirical fact (in this case, the name of the beach).
>
> 11. The Desmond tags also **differ in form** from the methods described by Rhoads in that Desmond describes adding structured and possibly complex metadata to image files by piggybacking on EXIF or other standard mechanisms for photo annotation, whereas Rhoads doesn't elaborate beyond the case of filling out simple tags in the file. In fact, the very existence of the

> EXIF standard implies that adding simple annotations to a photo file is simply execution of a standard and not an innovation -- Desmond's invention extends the basic tagging to allow for "exporting" all of the user-driven rich and complex data annotation to be stored directly in the file, thus making the full annotations portable even absent the original database, up to thousands of bytes or more of metadata. This is fundamentally different from the practice of watermarking (whether using steganography or file headers & footers), in which the source adds limited metadata that is specifically intended not to be changed, for example the "content type tags" described by Rhoads in several places, including column 8, row 63.
>
> 12. This saving of user-originating rich metadata in the file itself is also not something that my paper contemplated or described. Such a mechanism would be beneficial in setting up the layouts that the paper references but is not itself part of the paper.
>
> 13. It is my opinion that Desmond's described invention is different from the Rhoads paper in its use of complex, user-originated, and changeable metadata. Specifically regarding the independent Desmond claims 1 and 8: Claim 1 discloses a storage system of image files with independent and embedded user-generated tags of arbitrary length, which is not described by my paper and is different from the system described by Rhoads. Similarly, claim 8 discloses the injection by various end users of the full set of photo metadata from a database into structured tags embedded in the file, which again is not part of my paper and works differently from how Rhoads' tagging is set up.

The Declaration of Dr. Kustanowitz makes it clear that the hypothetical combination of Rhoads and the Kustanowitz et al. paper to meet the requirements of Applicant's amended claims 1, 8 and 13 would change the basic principles of operation of both Rhoads and Kustanowitz, which according to M.P.E.P. § 2143.01 VI means "the teachings of the references are not sufficient to render the claims prima facie obvious":

> If the proposed modification or combination of the prior art would **change the principle of operation** of the prior art invention being modified, then **the teachings of the references are not sufficient to render the claims prima facie obvious**. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (. . . The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

M.P.E.P. § 2143.01 VI (emphasis added).

Here, the changes required in both Kustanowitz and Rhoads would not only change the principle of operation of each of the references, but also would have required substantial

redesign and reconstruction of the systems of both references, in contravention of M.P.E.P § 2143.01. Moreover, the dramatic improvements achieved with Applicant's invention, from the standpoint of the user, would not have been predictable, which again is evidence of non-obviousness. *See, e.g., Crocs, Inc. v. U.S. Inte'l Trade Comm'n.*, 598 F. 3d 1294 (Fed. Cir. 2010).

Applicant also respectfully submits that the proposed reconstruction of the cited references is improper because the Office Action relies on information gleaned **solely** from the present application, to make the proposed reconstruction that allegedly results in the system claimed in the present application. According to the *M.P.E.P.*:

> To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. **Knowledge of applicant's disclosure must be put aside in reaching this determination**, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. The tendency to resort to "**hindsight**" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the **legal conclusion must be reached on the basis of the facts gleaned from the prior art**.

M.P.E.P. § 2142. (emphasis added). *M.P.E.P.* § 2145 (X)(A) states:

> Any judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account **only knowledge which was within the level of ordinary skill in the art** at the time the claimed invention was made and **does not include knowledge gleaned only from applicant's disclosure**, such a reconstruction is proper.

M.P.E.P. § 2145(X)(A) (quoting *In re McLaughlin*, 443 F.2d 1392, 1395 (C.C.P.A. 1971), (emphasis added)).

Applicant submits that the Office Action is using **improper hindsight** gleaned from the claims of the present application in combining the teachings of Kustanowitz and Rhoads.

Applicants' independent claims 1, 8 and 13 have been further amended to bring out even more clearly the distinctions discussed in the Kustanowitz Declaration, as follows:

> 1. (Currently Amended) A web-based digital photograph storage system comprising:
>
> a digital file repository for storing and retrieving digital photographs via the Internet;

a digital tagging system coupled to the digital file repository and configured to assign user-generated digital tags of arbitrary length to the digital photographs in response to user inputs, and embed such digital tags in the digital photographs in a non-proprietary file format, wherein the digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

a single user interface coupled to the digital file repository, the digital tagging system and the sorting system to present the digital tagging system, the sorting system and the sorted digital photographs to the user, and to enable the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs; and

wherein said assigned tag data associated with any digital photograph selected from said repository is displayed along with the selected photograph on the user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs.

8. (Currently Amended) A computer-implemented method of storing digital photographs, the method comprising the steps of:

storing digital photographs in a file repository from which said digital photographs can be retrieved;

associating a plurality of digital tags having arbitrary lengths and different tag types with the digital photographs in response to user inputs, and embedding such user-generated digital tags in the digital photographs in a non-proprietary file format,

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event a collections name, a rating, and a document type;

sorting and retrieving the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

enabling the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs; and

displaying said assigned tag data associated with any digital photograph selected from said repository, along with the selected photograph on a user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs.

13. (Currently Amended) A web-based digital photograph storage system comprising:

a digital file repository for storing and retrieving digital photographs;

a digital tagging system coupled to the digital file repository and configured to assign a plurality of user-generated digital tags of arbitrary lengths

Petitioner Apple Inc. - Ex. 1015, p. 308

to the digital photographs in response to user inputs, and to embed such digital tags in the digital photographs in a non-proprietary file format, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

~~a sorting system~~ a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and associated digital tags according to a plurality of types of data in said digital tags at a time; and

a single user interface coupled to the digital file repository and the sorting system to present both the sorting system and the sorted digital photographs to the user, and to enable the user to

input digital photographs to the digital file repository,

input data to the digital tags associated with selected digital photographs, and

export selected digital photographs and all digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded digital tags.

Dependent claim 7 has also been amended to require that the digital photographs including the embedded digital tags can be exported within the file's original format "and transferred to a different digital archiving system without losing said digital tags, so that the transferred digital files can be viewed along with the transferred digital tags," to further distinguish over Kustanowitz and Rhoads.

Dependent claims 2-7 are dependent on the amended claim 1, dependent claims 9-12 and 21 are dependent on the amended claim 8, and dependent claims 14-18 and 20-21 are dependent on the amended claim 13. Thus, all these dependent claims distinguish over Kustanowitz and Rhoads for all the same reasons set forth above with respect to the independent claims.

Accordingly, reconsideration of claims 1-18 and 20-21, in light of the amendments to the independent claims 1, 8 and 13, and the dependent claim 7, is respectfully requested.

CONCLUSION

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A one month extension of time fee is being submitted concurrently herewith. It is believed that no additional fees are due in connection with the filing of this Response. However, should any fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 50-4181/069366-000002USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

Date: August 27, 2014

By: /Stephen G. Rudisill, Reg. No. 20,087/

Stephen G. Rudisill, Reg. No. 20,087
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ATTORNEY FOR APPLICANTS

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	Stephen G. Rudisill/Carla Rivera
Attorney Docket Number:	069366-000002USPT

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	100	100

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**100**

Electronic Acknowledgement Receipt

EFS ID:	19977222
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Stephen G. Rudisill/Carla Rivera
Filer Authorized By:	Stephen G. Rudisill
Attorney Docket Number:	069366-000002USPT
Receipt Date:	27-AUG-2014
Filing Date:	09-JUN-2011
Time Stamp:	12:05:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$100
RAM confirmation Number	13484
Deposit Account	504181
Authorized User	

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

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

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Oath or Declaration filed	069366-2USPT_Kustanowitz_Declaration.pdf	2585927 cdce1189f5956f833f1e6be4320fd522ee287b7c	no	4
Warnings:					
Information:					
2	Response After Final Action	069366-2USPT_Response_to_Final_Office_Action2.pdf	131529 750d99591391cc631ed47a77ecc4f66d77a53311	no	12
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30145 9dbf5f478e57fdd82c9c95774a006ada349c49bc	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2747601		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

DECLARATION OF JACOB D. KUSTANOWITZ

I, Jacob D. Kustanowitz, declare as follows:

1. My name is Jacob D. Kustanowitz. I am founder and principal of MountainPass Technology, a software consulting and development company that I founded 4 years ago. I am being paid $200/hr by MemoryWeb, LLC for time spent reading over materials, assessing, preparing, and writing this letter.
2. I have 17 years of experience in the field of technology, having graduated summa cum laude from Boston University in 1997, worked as a software developer for 6 years, returned to University of Maryland to graduate summa cum laude with my MS in Computer Science in 2005, and worked in the industry ever since.
3. I have had various opportunities to work with patents, including being named as a co-inventor on a 2001 patent (US 20020178394 A1), on a 2013 application (13/474678) and a 2002 application (09/985486). I have a provisional application filed with myself as the sole inventor that was submitted in December of 2013 (61916306). I have also worked with several companies to prepare and submit patent applications as part of my consulting work.
4. In 2005, I co-authored a paper entitled "Motivating Annotation for Personal Digital Libraries: Lowering Barriers While Raising Incentives" with Dr. Ben Shneiderman. This paper has been cited and/or referenced in more than 15 patents in the field of photo album creation and annotation.
5. I have reviewed the patent application by Christopher Desmond et al (US 2012/0317111 A1) regarding a web-based digital file storage system, as well as the detailed response written by US PTO Primary Examiner Michael J Hicks. A substantial section of Mr. Hicks' comments refer to a patent granted to Geoffrey B. Rhoads et al (US 7,372,976) on May 13, 2008, which I have also reviewed within the context of Mr. Hicks' references.
6. I have discussed the invention described by Desmond et al with Christopher Desmond and re-read the paper written by Dr. Shneiderman and myself in 2005

within the context of Mr. Desmond's application and the subsequent analysis by Mr. Hicks regarding non-obviousness when coupled with the Rhoads patent.

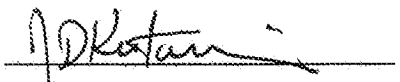
7. My paper describes tiled layouts grouped by annotation in different ways. These tiled layouts also exist in other commercial photo applications and thus are not claimed by Desmond in the application.
8. It was the intent of my paper to describe auto-generated photo layouts that were enabled by annotated photos as a way of motivating users to add annotations to their photos. In the prototype that I built for the paper the tags were stored in a separate database linked to the photo by the filename.
9. It seems to me that the Rhoads patent is aimed at using digital watermarking to embed simple tags in image files, such that when paired with a shared database, full metadata can be extracted from the database. Rhoads also acknowledges that tags may be added to the header and/or footer of the image file (column 7 line 14), so as not to limit the disclosure to watermarking specifically. His examples center around metadata embedded at the source (for protection, tracking, song/album/artist names, etc.) intended to follow the media files as they are moved around.
10. My understanding of the invention described in the Desmond patent application is that it relates to dynamic user tags embedded in image files as part of the process of annotation. This **differs in intent** from the methods described by Rhoads in that the Desmond tags are meant for use by individuals / consumers of the photos as opposed to by the producers of the photos. Specifically, consumers will likely add tags that are meaningful to them such as first names of family members, place nicknames ("the old school parking lot"), etc., and each user would have different tags for the same photo. Producer metadata described by Rhoads would be more empirical / observer independent, such as GPS coordinates, photographer name, copyright owner, photograph date, etc. for photos, or song, album, and artist names for music (as referenced in Rhoads, column 7, line 15) and these would travel with the photo and be the same for any potential viewer. Rhoads does allude to user-inputted metadata (column 10

line 38) but this is still within the context of producer-generated metadata aimed at establishing an empirical fact (in this case, the name of the beach).

11. The Desmond tags also **differ in form** from the methods described by Rhoads in that Desmond describes adding structured and possibly complex metadata to image files by piggybacking on EXIF or other standard mechanisms for photo annotation, whereas Rhoads doesn't elaborate beyond the case of filling out simple tags in the file. In fact, the very existence of the EXIF standard implies that adding simple annotations to a photo file is simply execution of a standard and not an innovation – Desmond's invention extends the basic tagging to allow for "exporting" all of the user-driven rich and complex data annotation to be stored directly in the file, thus making the full annotations portable even absent the original database, up to thousands of bytes or more of metadata. This is fundamentally different from the practice of watermarking (whether using steganography or file headers & footers), in which the source adds limited metadata that is specifically intended not to be changed, for example the "content type tags" described by Rhoads in several places, including column 8 row 63.
12. This saving of user-originating rich metadata in the file itself is also not something that my paper contemplated or described. Such a mechanism would be beneficial in setting up the layouts that the paper references but is not itself part of the paper.
13. It is my opinion that Desmond's described invention is different from the Rhoads paper in its use of complex, user-originated, and changeable metadata. Specifically regarding the independent Desmond claims 1 and 8: Claim 1 discloses a storage system of image files with independent and embedded user-generated tags of arbitrary length, which is not described by my paper and is different from the system described by Rhoads. Similarly, claim 8 discloses the injection by various end users of the full set of photo metadata from a database into structured tags embedded in the file, which again is not part of my paper and works differently from how Rhoads' tagging is set up.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: July 28, 2014



Jacob D. Kustanowitz

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **08/27/2014**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/TAMMY d. MCBETH BROWN/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 09/03/2014

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/03/2014	PAPER

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

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

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 13/157,214	**Applicant(s)** DESMOND ET AL.	
	Examiner MICHAEL HICKS	**Art Unit** 2165	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 27 August 2014 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 4 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.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). 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) or (c) 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).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, 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: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
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.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on *08/27/2014.*
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 1-18 and 20-21.
    Claim(s) withdrawn from consideration: .

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

Continuation of 3. NOTE: Examiner notes that the included amendments clearly alter the scope of the independent claims and, as such, require further search and considerations.

Continuation of 11. does NOT place the application in condition for allowance because: Examiner notes, firstly, that Applicant's comments directed towards Claims 1 and 8, as appearing on Pages 6-7 of the reply, appear to be assertions of patentability over several limiations, including the "assigning tag data" and exporting tag data steps, however Applicant does not present specific arguments as to why the art of Kustanowitz and Rhoads are deficient, but relies on the Declarstion filed herewith. The Declaration, while informative and considered against the standing rejection, appears to rely on features which have been included in the instant amendments to draw distinction between the cited prior art and the instant invention. For example, Dr. Kustanowitz state that the tags within the Rhoads reference differ in form and intent from the methods described within the instant Application, however the differences in intent are only made apparent by the instantly amended limitation that the tags are "user generated", and the difference in form is evidenced by the fact that Desmond performs piggybacking operation using EXIF data, however such technical details are not recited within the claim language. Examienr notes that the tags of the claims language are only claimed to be assigned "in response to user inputs" such that they are embedded in a non-proprietary manner. Examiner maintains that the art of Kustanowitz and Rhoads contain this level of detail and that if further detail is desired within the claims, it must be included within the claim language. As the bulk of Dr. Kustanowitz's coimments are drawn towards either instantly introduced claims limitations or concepts that are absent from the claim language, the Decalartation will be taken into consideration , however does not appear to be fully persuasive at this time. Further while Applicant argues that the Declaration indicates that combination of the cited references would "change the basic prinicple operation of both Rhoads and Kustanowitz", Examiner notes that, after review of the full Declaration, no such statements have been identified. Dr. Kustanowitz never directly compares the art of Rhoads and the art of Kustanowitz and, as such, does not indicate that the teachings may not be combined, but rather indicates that the intent of the inventions may differ through the independence descriptions of each seperately in Paragraphs 8 and 9. The rest of the Declaration deals with comparisons between the instant invention and the cited references, focusing heavily on Rhoads.

In light of the above, Applicant's arguments are not found to be persuasive at this time and the amendments will not be enetered.

Petitioner Apple Inc. - Ex. 1015, p. 322

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 09/25/2014

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/25/2014	PAPER

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

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

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*. (3)_____.

(2) *Brad Taub*. (4)_____.

Date of Interview: *24 September 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *Kustanowitz, Rhoads*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant gave a brief overview of the Applicttion and inquired as to if there were any amendments that could be introduced before the filing of an RCE which may place the claims in condition for allowance Examiner noted that the limitations of the claims remained quite broad and that the cited prior art appeared to cover each limitation, even as amended within the after final response presented on 08/27/2014. While potential amendments were discussed, no particular language was identified which would place the case in condition for allowance. Examiner suggested reviewing the Specification for additional detail which may be helpful in differentiating the claimed system from the prior art and Applicant indicated that amendments would be formed and filed, most likely in an After Final response. No agreement as to the patentability fo th case was reached.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.:	Application No.:	Filing Date:
069366-000002USPT	13/157,214	June 9, 2011
First Named Inventor:	**Title:**	
Christopher Desmond	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.

1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (*e.g.*, a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The above-identified application contains an outstanding final rejection.
3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.
4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.
5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.
6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).
7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]
8. By filing this certification and request, applicant acknowledges the following:

- Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.
- The examiner will verify that the AFCP 2.0 submission is compliant, *i.e.*, that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:
  - The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, by mailing an advisory action.
  - If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.
    - The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.
    - If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Signature	Date
/Bradley M. Taub, Reg. No. 67,300/	September 25, 2014
Name (Print/Typed) Bradley M. Taub	**Practitioner Registration No.** 67,300

Note: *This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.*

☐ * Total of 1 forms are submitted.

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	13/157,214
Applicants	:	Christopher Desmond et al.
Filed	:	June 9, 2011
Title	:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
Confirmation No.	:	6707
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Customer No.:	:	70001
Docket No.	:	069366-000002USPT

RESPONSE TO ADVISORY ACTION DATED SEPTEMBER 3, 2014, AND FINAL OFFICE ACTION DATED APRIL 30, 2014

Mail Stop Amendment – via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Advisory Action, dated September 3, 2014, and the Final Office Action dated April 30, 2014, which set a shortened statutory period for response of three months from that date, *i.e.*, by July 30, 2014. Applicants previously submitted a one-month extension of time fee of $100 extending the time for reply to August 30, 2014, and are now concurrently submitting the difference between the two-month extension of time fee ($300) and the one-month extension of time fee ($100) of $200 extending the time for reply to September 30, 2014. Thus, this reply is timely. Please consider the following amendments and enter the following remarks into the record for this application.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A web-based proprietary digital photograph storage and sharing system, the system comprising:

a digital file repository for storing and retrieving digital photographs via the Internet;

a digital tagging system coupled to the digital file repository and configured to assign user-generated digital tags to the digital photographs in response to user inputs, and embed such user-generated digital tags in the digital photographs in a non-proprietary file format, wherein the user-generated digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and all of the associated digital tags based on one or more of the user-generated ~~according to a plurality of types of data in said~~ digital tags ~~at a time~~; and

a ~~single~~ user interface coupled to the digital file repository, the digital tagging system and the sorting system to present the digital tagging system, the sorting system and the sorted digital photographs to the user, and to enable the user to input digital photographs to the digital file repository, and to assign one or more of the user-generated ~~input data to the~~ digital tags to ~~associated with~~ selected digital photographs stored in the digital file repository; and

wherein said assigned user-generated digital tags ~~data~~ associated with any digital photograph selected from said repository [[is]] are displayed along with the selected photograph on the user interface, regardless of which of the one or more user-generated digital ~~what portion of said~~ tags ~~data is~~ are used in the sorting of said digital photographs, and

wherein the digital photographs including the embedded user-generated digital tags can be exported in the non-proprietary file format and transferred to a different web-based proprietary digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based proprietary digital photograph storage and sharing system along with the transferred user-generated digital tags.

2. (Currently Amended) The ~~storage~~ system of claim 1, wherein in response to a user clicking on a user-generated digital tag, the system sorts the digital ~~files~~ photographs based on the clicked digital tag.

3. (Currently Amended) The ~~storage~~ system of claim 1, wherein the user interface organizes and presents the digital ~~files~~ photographs based on the one or more user-generated digital tags ~~type of data~~ selected by the user.

4. (Currently Amended) The ~~storage~~ system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. (Currently Amended) The ~~storage~~ system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Currently Amended) The ~~storage~~ system of claim 1, wherein the user interface is user-configurable.

7. (Canceled)

8. (Currently Amended) A computer-implemented method of storing and sharing digital photographs using a web-based proprietary digital photograph system, the method comprising ~~the steps of~~:

storing digital photographs in a file repository from which said digital photographs can be retrieved via the Internet;

associating a plurality of user-generated digital tags having different tag types with the digital photographs in response to user inputs, and embedding such user-generated digital tags in the digital photographs in a non-proprietary file format,

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event a collections name, a rating, and a document type;

sorting and retrieving the digital photographs and all of the associated user-generated digital tags based on one or more of the user-generated digital tags ~~according to a plurality of types of data in said digital tags at a time~~; [[and]]

enabling the user to input digital photographs to the digital file repository, and to assign one or more of the user-generated ~~input data to the~~ digital tags to ~~associated with~~ selected digital photographs stored in the file repository; [[and]]

displaying said assigned user-generated digital tags ~~data~~ associated with any digital photograph selected from said file repository, along with the selected photograph on a user interface, regardless of which of the one or more user-generated digital ~~what portion of said~~ tags ~~data is~~ are used in the sorting of said digital photographs; and

exporting, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different web-based proprietary digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different web-based proprietary digital photograph system along with the associated user-generated digital tags.

9. (Canceled)

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12. (Canceled)

13. (Currently Amended) A web-based proprietary digital photograph storage and sharing system, the system comprising:

a digital file repository for storing and retrieving digital photographs;

a digital tagging system coupled to the digital file repository and configured to assign a plurality of user-generated digital tags to the digital photographs in response to user inputs, and to embed such user-generated digital tags in the digital photographs in a non-proprietary file format, wherein the user-generated digital tags assigned using the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

~~a sorting system~~ a sorting system coupled to the digital file repository and configured to sort and retrieve the digital photographs and all of the associated user-generated digital tags according to a plurality of types of data in said user-generated digital tags at a time; and

a single user interface coupled to the digital file repository and the sorting system to present both the sorting system and the sorted digital photographs to the user, and to enable the user to

input digital photographs to the digital file repository,

input data to the digital tags associated with selected digital photographs, and

export selected digital photographs and all user-generated digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded user-generated digital tags, to a different web-based proprietary digital photograph storage and sharing system so that the exported selected digital photographs can be viewed in the different web-based proprietary digital photograph storage and sharing system along with all of the data in the embedded user-generated digital tags.

14. (Original) The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. (Original) The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. (Original) The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. (Original) The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. (Original) The storage system of claim 13, wherein the user interface is user-configurable.

19. (Canceled)

20. (Original) The storage system of claim 13, further comprising a user-configurable display.

21. (Currently Amended) The method of claim 8 in which, in response to a user clicking on a retrieved digital photograph, the web-based proprietary digital photograph system automatically retrieves and displays next to the retrieved digital photograph the user-generated digital tags ~~data~~ associated with the clicked digital photograph.

22. (New) The system of claim 1, wherein the digital tagging system is configured to assign one of the user-generated digital tags to a plurality of the digital photographs at once.

23. (New) The system of claim 1, wherein the user-generated digital tags are in an EXIF format.

24. (New) The system of claim 1, wherein the system is configured to display a recipe view using the user interface, the recipe view including one or more of the digital

photographs assigned with a user-generated digital tag including recipe data, a first one of the one or more of the digital photographs being a digital photograph of a hand written recipe and a second one of the one or more of the digital photographs being a digital photograph of a chef of the recipe.

REMARKS

Claims 1-18, 20 and 21 are pending in the present application. Claims 1-6, 8, 13, and 21 are amended. Claims 7, 9, and 12 are canceled. New claims 22-24 are added. After entering this amendment, claims 1-6, 8, 10-11, 13-18, and 20-24 will remain pending for prosecution.

Interview Summary

Applicants' representative (Bradley Taub) thanks Examiner Hicks for the interview conducted on September 24, 2014. During the interview, Applicants' representative and the Examiner discussed the Final Office Action, the Advisory Action, the applied references, proposed claim amendments, and arguments. No agreement was reached. Applicants' representative indicated that a written response would be filed with a request for consideration under the AFCP 2.0 program.

After Final Consideration Pilot Program 2.0

The Applicants submit herewith a Certification and Request For Consideration Under The After Final Consideration Pilot Program 2.0 (Form PTO/SB/434). Consideration under the program is respectfully requested.

Claim Objection

The redundancy of "a sorting system" noted in claim 13 has been corrected by the above amendment to this claim.

Claim Rejections Under 35 U.S.C. § 112

Claims 2-3, 7 and 12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of the lack of antecedent basis for "the digital files." Claims 2 and 3 are amended to change "the digital files" to "the digital photographs," which has antecedent basis in the parent claim 1. Claims 7 and 12 are canceled.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-18 and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kustanowitz et al. "Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives," Tech. Report HCIL-2004-18, U. Maryland, 2005

("Kustanowitz") in view of U.S. Patent No. 7,372,976 ("Rhoads"). While Applicants respectfully disagree with the rejections, for reasons unrelated to patentability and to advance prosecution, Applicants amended the independent claims to further clarify.

Amended Independent Claim 1

In the Applicants' response to Final Office Action previously filed on August 27, 2014, the Applicants presented arguments as to why the claims overcome the current rejections. Those arguments are hereby incorporated by reference herein. In addition to those arguments, Applicants note that independent claim 1 is amended to include additional elements not found in Kustanowitz or Rhoads. For example, amended independent claim 1 recites, *inter alia*, "wherein the digital photographs including the embedded user-generated digital tags can be exported in the non-proprietary file format and transferred to a different web-based proprietary digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based proprietary digital photograph storage and sharing system along with the transferred user-generated digital tags." Both Kustanowitz and Rhoads fail to disclose, teach, or suggest such an element. Thus, for the reasons discussed in Applicants previous response and for these additional reasons, Independent claim 1 and all claims depending therefrom are not anticipated by or rendered obvious over Kustanowitz, Rhoads, or the combination thereof.

Amended Independent Claim 8

In the Applicants' response to Final Office Action previously filed on August 27, 2014, the Applicants presented arguments as to why the claims overcome the current rejections. Those arguments are hereby incorporated by reference herein. In addition to those arguments, Applicants note that independent claim 8 is amended to include additional elements not found in Kustanowitz or Rhoads. For example, amended independent claim 8 recites, *inter alia*, "exporting, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different web-based proprietary digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different web-based proprietary digital photograph system along with the associated user-generated digital tags." Both Kustanowitz and Rhoads fail

to disclose, teach, or suggest such an element. Thus, for the reasons discussed in Applicants previous response and for these additional reasons, Independent claim 8 and all claims depending therefrom are not anticipated by or rendered obvious over Kustanowitz, Rhoads, or the combination thereof.

Amended Independent Claim 13

In the Applicants' response to Final Office Action previously filed on August 27, 2014, the Applicants presented arguments as to why the claims overcome the current rejections. Those arguments are hereby incorporated by reference herein. In addition to those arguments, Applicants note that independent claim 13 is amended to include additional elements not found in Kustanowitz or Rhoads. For example, amended independent claim 13 recites, *inter alia*, "export selected digital photographs and all user-generated digital tags embedded in the selected digital photographs in the non-proprietary file format, including all the data in said embedded user-generated digital tags, to a different web-based proprietary digital photograph storage and sharing system so that the exported selected digital photographs can be viewed in the different web-based proprietary digital photograph storage and sharing system along with all of the data in the embedded user-generated digital tags." Both Kustanowitz and Rhoads fail to disclose, teach, or suggest such an element. Thus, for the reasons discussed in Applicants previous response and for these additional reasons, Independent claim 13 and all claims depending therefrom are not anticipated by or rendered obvious over Kustanowitz, Rhoads, or the combination thereof.

CONCLUSION

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A two month extension of time fee is being submitted concurrently herewith (minus the amount previously paid for the one month extension of time fee). It is believed that no additional fees are due in connection with the filing of this Response. However, should any additional fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 50-4181/069366-000002USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

Date: September 25, 2014

By: /Bradley M. Taub, Reg. No. 67,300/

Bradley M. Taub
Reg. No. 67,300
NIXON PEABODY LLP
300 South Riverside Plaza, 16th Floor
Chicago, Illinois 60606
(312) 425-8563 – Direct Telephone
(866) 513-5365 – Direct Facsimile

ATTORNEYS FOR APPLICANTS

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	Bradley Michael Taub
Attorney Docket Number:	069366-000002USPT

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with $100 paid	2252	1	200	200

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**200**

Electronic Acknowledgement Receipt

EFS ID:	20244991
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub/Carla Rivera
Filer Authorized By:	Bradley Michael Taub
Attorney Docket Number:	069366-000002USPT
Receipt Date:	25-SEP-2014
Filing Date:	09-JUN-2011
Time Stamp:	16:36:38
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$200
RAM confirmation Number	3223
Deposit Account	504181
Authorized User	

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

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

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	069366-2USPT_After_Final_Consideration.pdf	226756 9a62f3b18a29420185e0940b3f10e9d0403e5634	no	2
Warnings:					
Information:					
2		069366-2USPT_Response_to_Final_Office_Action.pdf	115528 91f26254cfbafa3b426fc90c2d7e8d643016ffa7	yes	10

Multipart Description/PDF files in .zip description

Document Description	Start	End
Response After Final Action	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	10

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30375 c6534be2056ce85b879442da51b2d59a44e4b96f	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	372659	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	09/25/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

LIE
/MYRTLE LEIGH/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 10/09/2014

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
10/09/2014	PAPER

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

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

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*. (3)_____.

(2) *Bradley M. Taub*. (4)_____.

Date of Interview: *06 October 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1 and 22-24*.

Identification of prior art discussed: *Kustanowitz, Rhoads*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/ Primary Examiner, Art Unit 2165	

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner noted that the claim amendments were very similar to the subject matter discussed in the Interview conducted on 09/24/2014 and that the references of Kustanowitz and Rhoads appeared to disclose the newly presented limitations. Examiner noted, firstly, that the subject matter of "user-generated" digital tags was clearly disclosed by Kutanowitz, as noted in the interview, and that the subject matter of the digital tags being embedded such that "the transferred digital photographs can be viewed…" is considered to be disclosed both by the watermarks of Rhoads, as the watermarks are clearly inidcated to be embedded within the files and to contain the tag information, as well as the further disclosure of Column 10, Lines 12-16 of Rhoads, which disclose that the tags may be embedded in header and footer information of the files. As there are many web-based systems which may store digital file, including photographs, and which are capable of reading both watermarks and header and footer information, and as the claims only indicate a generic "different web-based proprietary digital photograph store", Examiner asserted that the currently cited art was considered to disclose the new limitations. Applicant inquired as to any other subject matter that may be included to overcome the rejection. Examiner noted that unless more detail were added into the claims to define the technical aspects of the invention, which did not appear to be present within the Specification, the claims would remain broad and a large scope of prior art could be applied within a rejection. No agreement as to the patentability of the claims was reached.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 13/157,214	**Applicant(s)** Desmond et al.	
	Examiner Michael Hicks	**Art Unit** 2165	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 09/25/2014 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *5* 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.
   c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires months from the mailing date of *the prior Advisory Action* or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.
   Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). 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) or (c) 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).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, 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: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
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.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached interview summary.
13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
14. ☐ Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
    Claim(s) allowed: .
    Claim(s) objected to: .
    Claim(s) rejected: 1-18 and 20-21.
    Claim(s) withdrawn from consideration: .

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

Continuation of 3. NOTE: While the amendments have been considered, they have not been deemed to place the application in condition for allowance or to simplify the application for purposes of Appeal. As such, the claim amendments will not be entered.

Petitioner Apple Inc. - Ex. 1015, p. 348

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*. (3)_____.

(2) *Bradley M. Taub*. (4)_____.

Date of Interview: *06 October 2014*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1 and 22-24*.

Identification of prior art discussed: *Kustanowitz, Rhoads*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/ Primary Examiner, Art Unit 2165	

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner noted that the claim amendments were very similar to the subject matter discussed in the Interview conducted on 09/24/2014 and that the references of Kustanowitz and Rhoads appeared to disclose the newly presented limitations. Examiner noted, firstly, that the subject matter of "user-generated" digital tags was clearly disclosed by Kutanowitz, as noted in the interview, and that the subject matter of the digital tags being embedded such that "the transferred digital photographs can be viewed…" is considered to be disclosed both by the watermarks of Rhoads, as the watermarks are clearly inidcated to be embedded within the files and to contain the tag information, as well as the further disclosure of Column 10, Lines 12-16 of Rhoads, which disclose that the tags may be embedded in header and footer information of the files. As there are many web-based systems which may store digital file, including photographs, and which are capable of reading both watermarks and header and footer information, and as the claims only indicate a generic "different web-based proprietary digital photograph store", Examiner asserted that the currently cited art was considered to disclose the new limitations. Applicant inquired as to any other subject matter that may be included to overcome the rejection. Examiner noted that unless more detail were added into the claims to define the technical aspects of the invention, which did not appear to be present within the Specification, the claims would remain broad and a large scope of prior art could be applied within a rejection. No agreement as to the patentability of the claims was reached.

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. 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 contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	13/157,214	Filing Date	2011-06-09	Docket Number (if applicable)	069366-000002USPT	Art Unit	2165
First Named Inventor	Christopher Desmond			Examiner Name	Michael J. Hicks		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

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

MISCELLANEOUS

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

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 504181

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. 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 contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Bradley M. Taub, Reg. No. 67,300/	Date (YYYY-MM-DD)	2014-10-22
Name	Bradley M. Taub	Registration Number	67300

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

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

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	Bradley Michael Taub
Attorney Docket Number:	069366-000002USPT

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $300 paid	2253	1	400	400

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
		Total in USD ($)		**1250**

Electronic Acknowledgement Receipt

EFS ID:	20476315
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	22-OCT-2014
Filing Date:	09-JUN-2011
Time Stamp:	19:36:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1250
RAM confirmation Number	5446
Deposit Account	504181
Authorized User	

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

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

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

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	**Document Description**	**File Name**	**File Size(Bytes)/ Message Digest**	**Multi Part /.zip**	**Pages (if appl.)**
1	Oath or Declaration filed	069366-2USPT_Declaration.pdf	1768795 49e3b4188318618902d6858988b4b5b25159069a	no	4
Warnings:					
Information:					
2		RCE_and_Response_to_Final_OA.pdf	127726 f97a3980121765e09773a90877bcb68382bf3c69	yes	13
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	13	
Warnings:					
Information:					
3	Request for Continued Examination (RCE)	069366-002USPT_-_Request_For_Continued_Examination.pdf	76647 108598bf01b4d880403c7711e402647885e0299f	no	2
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32201 a50548a622fc8b563ba65ced1623e45d1cddfc0a	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2005369		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

DECLARATION OF JACOB D. KUSTANOWITZ

I, Jacob D. Kustanowitz, declare as follows:

1. My name is Jacob D. Kustanowitz. I am founder and principal of MountainPass Technology, a software consulting and development company that I founded 4 years ago. I am being paid $200/hr by MemoryWeb, LLC for time spent reading over materials, assessing, preparing, and writing this Declaration.

2. I have 17 years of experience in the field of technology, having graduated summa cum laude from Boston University in 1997, worked as a software developer for 6 years, returned to University of Maryland to graduate summa cum laude with my MS in Computer Science in 2005, and worked in the industry ever since.

3. I have had various opportunities to work with patents, including being named as a co-inventor on a 2001 patent (US 20020178394 A1), on a 2013 application (13/474678) and a 2002 application (09/985486). I have a provisional application filed with myself as the sole inventor that was submitted in December of 2013 (61916306). I have also worked with several companies to prepare and submit patent applications as part of my consulting work.

4. In 2005, I co-authored a paper entitled "Motivating Annotation for Personal Digital Libraries: Lowering Barriers While Raising Incentives" with Dr. Ben Shneiderman (hereinafter referred to as "my paper" or "Kustanowitz"). My paper has been cited and/or referenced in more than 15 patents in the field of photo album creation and annotation including the patent application by Christopher Desmond et al. having Application Number 13/157,214, filed June 9, 2011 (hereinafter referred to as "the '214 Application") for which this Declaration is being submitted.

5. I have reviewed the '214 Application regarding a web-based digital photograph storage and sharing system. I have also reviewed substantial portions of the prosecution history of the '214 Application, including the Final Office Action dated April 30, 2014 and the Advisory Action, dated October 9, 2014. These actions rely in part on U.S. Patent No. 7,372,976 to Rhoads (hereinafter referred to as "Rhoads"), which I have also reviewed.

6. I reviewed my paper in view of the '214 Application. I have also reviewed Rhoads in combination with my paper in view of the '214 Application.

7. Generally, my paper describes tiled layouts grouped by annotation in different ways. These tiled layouts also exist in other commercial photo applications.

8. My paper describes auto-generated photo layouts that were enabled by annotated photos as a way of motivating users to add annotations to their photos. In the prototype that I built for the paper the tags were stored in a separate database linked to the photo by the filename.

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9. Rhoads is aimed at using digital watermarking to embed simple tags in image files, such that when paired with a shared database, full metadata can be extracted from the database.

10. Amended independent claim 1 now recites: "embed such user-generated digital tags in the digital photographs in an exchangeable image file format (EXIF)." Thus, this claim requires that the tags be in the EXIF format. This format for tags is simply not disclosed in my paper or in Rhoads. Further, my paper simply does not discuss any format for embedded tags and Rhoads just does not disclose the exchangeable image file format (EXIF) for user-generated digital tags as recited in the claims. The background and summary Section of Rhoads, mentions the placing of "information in a file header or footer," but this is not embedding user-generated digital tags in digital photographs in an exchangeable image file format (EXIF) as claimed.

11. Amended independent claim 1 now recites: "wherein a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from said digital file repository in response to the conducting of the first search are displayed along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs." Thus, this claim requires that the tags be displayed with the retrieved photos regardless of which tags are used to perform the search. This element is simply not disclosed in my paper or in Rhoads.

12. The Final Office Action appears to point to Figure 1 and Section 2.1 of my paper as disclosing the element of all tags associated with a photograph being displayed along with the photograph when the photograph is selected. See Pages 7-8 of the Final Office Action. This is simply not described or illustrated by my paper. Rather, Figure 1 of my paper illustrates a screen shot from an Adobe Photoshop Album, which includes some pictures on the left and a few boxes next to corresponding folders on the right. This displayed portion of the Adobe Photoshop program illustrates a filter search feature, where **all available tags** are shown on the right (i.e., the labeled folders) and when an associated box is selected (i.e., checked) by a user, the pictures on the left are filtered to only show pictures that are associated with the tag or tags associated with the checked box or boxes. That is, the allegedly displayed tags in Figure 1 of my paper are not tags that are associated with displayed photos. Rather, what is displayed is a method of performing a filtered search feature.

13. Further, the claim element requires the displaying of the portion of the user-generated digital tags "regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs." This is also not disclosed, taught, or suggested by my paper or Rhoads. Rather, for example, in Figure 5 of my paper I show an example where only the searched tags are displayed along with the displayed pictures. That is, the displayed ones of the tags are not search term independent as recited in claim 1 ("regardless of which . . . tags are used in searching"). Specifically, the lower left portion of Figure 5 shows pictures that are tagged with the tags "Simmy" and

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"Lani." Notably, these searched tags of Simmy and Lani are the only tags displayed on the display with the associated photos. Thus, my paper does not disclose, teach, or suggest this element of amended independent claim 1.

14. Amended independent claim 1 now recites: "wherein in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user interface, (i) the sorting system conducts a second search of the digital file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) the user interface displays all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags." Thus, this claim requires that the tags associated with the retrieved photos be clickable to cause a new search to be conducted based on the clicked tag. This element is simply not disclosed in my paper or in Rhoads.

15. As discussed above, Figure 1 of my paper illustrates a screen shot from an Adobe Photoshop Album that provides a filtered search feature. Further, the displayed available tags shown on the right (i.e., the labeled folders) and their associated boxes are not themselves tags that are associated with the displayed pictures. Rather, these displayed folders are all representations of all of the available tags or categories that can be used to tag/annotate certain ones of the displayed photos. As explained in Section 2.1 of my paper, the photos can be tagged by dragging and dropping a category onto a photo or by dragging and dropping a photo onto the folder. In summary, my paper does not disclose, teach, or suggest displaying photos and associated tags in response to a first search where the displayed tags associated with the displayed photos are themselves clickable to cause a second search to occur that returns all photos associated with the clicked tag as recited in amended independent claim 1. Further, I also reviewed Rhoads for this element and determined that Rhoads simply does not disclose this element.

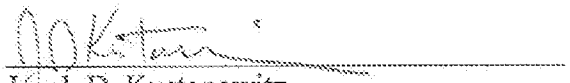
16. Amended independent claim 1 now recites: "wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags." Thus, this claim requires that the photos can be exported from the proprietary system to a different system without losing the user-generated tags that are embedded using the EXIF format. This element is not disclosed in my paper or in Rhoads.

17. When addressing previously presented claims 7 and 12, the Final Office Action on page 10 states that "Kustanowitz discloses the digital files including the embedded digital tags can be exported within the file's original format." The Final Office Action cites Section 4.1 of my paper as "clearly disclos[ing] that the files of the collection may be chosen for personal and professional use which indicates that single or multiple files may be exported for use in other applications. Examiner notes that no change of file format is necessitated to export files in this manner." I respectfully disagree with the Final Office

Action's interpretation of Section 4.1 of my paper. Rather, Section 4.1 of my paper is directed to using tags/annotations/metadata to find photos and then a user could download a desired photo (e.g., for professional or personal use). In the example in Section 4.1 of paper, after searching, finding, and selecting a desired photo, all of the metadata of the downloaded picture is stripped during the downloading/exporting of the picture. While this stripping of the metadata is not specified in my paper, that is what would happen at the time of my paper and the disclosed features therein. Thus, as my paper does not specifically address what happens with the metadata, I must disagree with the Final Office Action's assertion that "no change of file format is necessitated to export files in this manner."

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: October 22, 2014



Jacob D. Kustanowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	13/157,214
Applicants	:	Christopher Desmond et al.
Filed	:	June 9, 2011
Title	:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
Confirmation No.	:	6707
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Customer No.:	:	70001
Docket No.	:	069366-000002USPT

RCE AND RESPONSE TO ADVISORY ACTION DATED OCTOBER 9, 2014, AND FINAL OFFICE ACTION DATED APRIL 30, 2014

Mail Stop Amendment – via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Second Advisory Action, dated October 9, 2014, and the Final Office Action dated April 30, 2014, which set a shortened statutory period for response of three months from that date, *i.e.*, by July 30, 2014. Applicants previously submitted a one-month extension of time fee of $100 extending the time for reply to August 30, 2014, and also previously submitted the difference between the two-month extension of time fee ($300) and the one-month extension of time fee ($100) of $200 extending the time for reply to September 30, 2014, and are now submitting the difference between the three-month extension of time fee ($700) and the two-month extension of time fee ($300) of $400 extending the time for reply to October 30, 2014. Thus, this reply is timely. Please consider the following amendments and enter the following remarks into the record for this application.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

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AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A web-based proprietary digital photograph storage and sharing system, the system comprising:

a digital file repository for storing and retrieving digital photographs via the Internet;

a digital tagging system coupled to the digital file repository and configured to assign user-generated digital tags of arbitrary length to at least some of the digital photographs in response to user inputs, and embed such user-generated digital tags in the digital photographs in an exchangeable image ~~a non-proprietary~~ file format (EXIF), wherein the user-generated digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system coupled to the digital file repository and configured to (i) conduct a first search of the digital file repository for ~~sort and retrieve the~~ digital photographs ~~and associated digital tags~~ based on one or more of the user-generated ~~according to a plurality of types of data in said~~ digital tags at a time and (ii) retrieve such digital photographs from the digital file repository; and

a ~~single~~ user interface coupled to the digital file repository, the digital tagging system and the sorting system to display ~~present~~ the digital tagging system, the sorting system and the ~~sorted~~ retrieved digital photographs to [[the]] a user, and to enable the user to input digital photographs to the digital file repository, and to assign one or more of the user-generated ~~input data to the~~ digital tags to ~~associated with~~ selected digital photographs stored in the digital file repository; and

wherein a portion of the ~~said~~ assigned user-generated digital tags ~~data~~ associated with [[any]] each of the displayed digital photographs retrieved ~~selected~~ from said digital file repository [[is]] in response to the conducting of the first search are displayed along with the displayed digital ~~selected~~ photographs on the user interface, regardless of which of the user-generated digital ~~what portion of said~~ tags ~~data is~~ are used in the searching and retrieving ~~sorting~~ of said digital photographs, and wherein in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user interface, (i) the sorting system conducts a second search of the digital file repository for digital

photographs based on the clicked one of the user-generated digital tags and (ii) the user interface displays all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags, and

wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags.

2. (Canceled)

3. (Currently Amended) The ~~storage~~ system of claim 1, wherein the user interface organizes and presents the retrieved digital ~~files~~ photographs based on the one or more of the user-generated digital tags ~~type of data~~ selected by the user for the first search of the digital file repository.

4. (Currently Amended) The ~~storage~~ system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. (Currently Amended) The ~~storage~~ system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Currently Amended) The ~~storage~~ system of claim 1, wherein the user interface is user-configurable.

7. (Canceled)

8. (Currently Amended) A computer-implemented method of storing and sharing digital photographs using a web-based proprietary digital photograph system, the method comprising ~~the steps of~~:

storing digital photographs in a file repository from which said digital photographs can be retrieved via the Internet;

associating a plurality of user-generated digital tags of arbitrary lengths having different tag types with at least some of the stored digital photographs in response to user inputs, and embedding such user-generated digital tags in the digital photographs in a non-proprietary file format~~,~~

~~wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event a collections name, a rating, and a document type~~;

conducting a first search of the file repository for ~~sorting and retrieving the~~ digital photographs ~~and associated digital tags~~ based on one or more of the user-generated digital tags ~~according to a plurality of types of data in said digital tags~~ at a time; [[and]]

in response to the conducting of the first search, retrieving digital photographs from the file repository that are associated with the one or more of the user-generated digital tags;

enabling a [[the]] user to input digital photographs to the ~~digital~~ file repository, and to assign one or more of the user-generated ~~input data to the~~ digital tags to ~~associated with~~ selected digital photographs stored in the file repository; [[and]]

displaying ~~said assigned tag data associated with any~~ the retrieved digital photographs along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from the file repository in response to the conducting the first search ~~selected from said repository, along with the selected photograph on a user interface,~~ regardless of which of the user-generated digital ~~what portion of said~~ tags ~~data is~~ are used in the searching and retrieving ~~sorting~~ of said digital photographs;

in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs, (i) conducting a second search of the file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) displaying all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags; and

exporting from the web-based proprietary digital photograph system, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different web-based digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different web-based digital photograph system along with the associated user-generated digital tags.

9. (Canceled)

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12-21. (Canceled)

22. (New) The system of claim 1, wherein the digital tagging system is configured to assign one of the user-generated digital tags to a plurality of the digital photographs at once.

23. (New) The system of claim 1, wherein the system is configured to display a recipe view using the user interface, the recipe view including one or more of the digital photographs assigned with a user-generated digital tag including recipe data, a first one of the one or more of the digital photographs being a digital photograph of a hand written recipe and a second one of the one or more of the digital photographs being a digital photograph of a chef of the recipe.

24. (New) The system of claim 1, wherein each of the displayed digital photographs associated with the clicked one of the user-generated digital tags is displayed along with its associated user-generated digital tags that can be clicked by the user to conduct a subsequent search.

25. (New) The method of claim 8, wherein the user-generated digital tags are in an EXIF format.

26. (New) The method of claim 8, wherein the enabling includes enabling the user to assign one or more of the user-generated digital tags to a plurality of selected digital photographs at once.

27. (New) The method of claim 8, wherein each of the displayed digital photographs associated with the clicked one of the user-generated digital tags is displayed along with its associated user-generated digital tags that can be clicked by the user to conduct a subsequent search.

REMARKS

Claims 1-18, 20 and 21 are pending in the present application. Claims 2, 7, 9, 12-18, and 20-21 are canceled. Claims 1, 3-6, and 8 are amended. New claims 22-27 are added. No new matter is entered. After entering this amendment, claims 1, 3-6, 8, 10-11, and 22-27 will be pending for prosecution.

Interview Summary

Applicants' representative (Bradley Taub) thanks Examiner Hicks for the interview conducted on October 6, 2014. During the interview, Applicants' representative and the Examiner discussed the Applicants' written response and a request for consideration under the AFCP 2.0 program filed on September 25, 2014. No agreement was reached.

Second Request for Continued Examination

The Applicants submit herewith a Second Request for Continued Examination and the associated fee of $850.00. Reconsideration is respectfully requested in view of the claim amendments, remarks, and Kustanowitz Declaration of October 22, 2014.

Claim Objection

The redundancy of "a sorting system" noted in claim 13 is moot as claim 13 is now canceled.

Claim Rejections Under 35 U.S.C. § 112

Claims 2-3, 7 and 12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of the lack of antecedent basis for "the digital files." Claim 3 is amended to change "the digital files" to "the retrieved digital photographs," which has antecedent basis in the parent claim 1. Claims 2, 7, and 12 are canceled.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-18 and 20-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kustanowitz et al. "Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives," Tech. Report HCIL-2004-18, U. Maryland, 2005 ("Kustanowitz") in view of U.S. Patent No. 7,372,976 ("Rhoads"). While Applicants

respectfully disagree with the rejections, for reasons unrelated to patentability and to advance prosecution, Applicants amended the independent claims to further clarify.

Amended Independent Claim 1

In the Applicants' response to Final Office Action previously filed on August 27, 2014, the Applicants presented arguments as to why the claims overcome the current rejections. Those arguments are hereby incorporated by reference herein. In addition to those arguments, Applicants note that independent claim 1 is amended to include additional elements not found in Kustanowitz or Rhoads.

For example, amended independent claim 1 recites, *inter alia*, (1) "embed such user-generated digital tags in the digital photographs in an exchangeable image file format (EXIF)"; (2) "wherein a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from said digital file repository in response to the conducting of the first search are displayed along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs"; (3) "wherein in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user interface, (i) the sorting system conducts a second search of the digital file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) the user interface displays all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags"; and (4) "wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags." Both Kustanowitz and Rhoads fail to disclose, teach, or suggest any of these elements.

In support of Applicants' arguments that both Kustanowitz and Rhoads fail to disclose, teach, or suggest any of these elements, Applicants submit a Declaration of Jacob D. Kustanowitz, attached hereto and referred to herein as the Kustanowitz Declaration.

The first quoted element requires that the user-generated digital tags are embedded in an exchangeable image file format. The Final Office Action dated April 30, 2014, acknowledges that Kustanowitz fails to disclose "that the digital tags are embedded within the digital photographs in a non-proprietary file format." Page 8 of the Final Office Action. Thus, for at least the same reasons, Kustanowitz also fails to disclose the claimed "an exchangeable image file format." However, the Final Office Action applied Rhoads for disclosing a non-proprietary file format. The Applicants respectfully disagree that Rhoads discloses the claimed element; however, to further clarify, the Applicants amended this language from a non-proprietary file format to specify that the user-generated digital tags are embedded in the digital photographs in "an exchangeable image file format (EXIF), which is simply not disclosed, taught, or suggested by Rhoads.

Further, the Kustanowitz Declaration explains that"

> 10. Amended independent claim 1 now recites: "embed such user-generated digital tags in the digital photographs in an exchangeable image file format (EXIF)." Thus, this claim requires that the tags be in the EXIF format. This format for tags is simply not disclosed in my paper or in Rhoads. Further, my paper simply does not discuss any format for embedded tags and Rhoads just does not disclose the exchangeable image file format (EXIF) for user-generated digital tags as recited in the claims. The background and summary Section of Rhoads, mentions the placing of "information in a file header or footer," but this is not embedding user-generated digital tags in digital photographs in an exchangeable image file format (EXIF) as claimed.

Kustanowitz Declaration, Paragraph 10.

The second quoted element requires the displaying of a portion of the assigned user-generated digital tags along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs. This element is not disclosed, taught, or suggested by Kustanowitz or Rhoads. As explained in the Kustanowitz Declaration:

> 11. Amended independent claim 1 now recites: "wherein a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from said digital file repository in response to the conducting of the first search are displayed along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs." Thus, this claim requires that the tags be displayed with the retrieved photos regardless of which tags are used to perform the search. This element is simply not disclosed in my paper or in Rhoads.

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> 12. The Final Office Action appears to point to Figure 1 and Section 2.1 of my paper as disclosing the element of all tags associated with a photograph being displayed along with the photograph when the photograph is selected. See Pages 7-8 of the Final Office Action. This is simply not described or illustrated by my paper. Rather, Figure 1 of my paper illustrates a screen shot from an Adobe Photoshop Album, which includes some pictures on the left and a few boxes next to corresponding folders on the right. This displayed portion of the Adobe Photoshop program illustrates a filter search feature, where **all available tags** are shown on the right (i.e., the labeled folders) and when an associated box is selected (i.e., checked) by a user, the pictures on the left are filtered to only show pictures that are associated with the tag or tags associated with the checked box or boxes. That is, the allegedly displayed tags in Figure 1 of my paper are not tags that are associated with displayed photos. Rather, what is displayed is a method of performing a filtered search feature.
>
> 13. Further, the claim element requires the displaying of the portion of the user-generated digital tags "regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs." This is also not disclosed, taught, or suggested by my paper or Rhoads. Rather, for example, in Figure 5 of my paper I show an example where only the searched tags are displayed along with the displayed pictures. That is, the displayed ones of the tags are not search term independent as recited in claim 1 ("regardless of which . . . tags are used in searching"). Specifically, the lower left portion of Figure 5 shows pictures that are tagged with the tags "Simmy" and "Lani." Notably, these searched tags of Simmy and Lani are the only tags displayed on the display with the associated photos. Thus, my paper does not disclose, teach, or suggest this element of amended independent claim 1.

Kustanowitz Declaration, Paragraphs 11 - 13.

The third quoted element requires the conducing of a second search when a user clicks a user-generated digital tag displayed on along with a digital photograph and then displays all photographs associated with the clicked tag. This element is also not disclosed, taught, or suggested by Kustanowitz or Rhoads. As explained in the Kustanowitz Declaration:

> 14. Amended independent claim 1 now recites: "wherein in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user interface, (i) the sorting system conducts a second search of the digital file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) the user interface displays all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags." Thus, this claim requires that the tags associated with the retrieved photos be clickable to cause a new search to be conducted based on the clicked tag. This element is simply not disclosed in my paper or in Rhoads.

> 15. As discussed above, Figure 1 of my paper illustrates a screen shot from an Adobe Photoshop Album that provides a filtered search feature. Further, the displayed available tags shown on the right (i.e., the labeled folders) and their associated boxes are not themselves tags that are associated with the displayed pictures. Rather, these displayed folders are all representations of all of the available tags or categories that can be used to tag/annotate certain ones of the displayed photos. As explained in Section 2.1 of my paper, the photos can be tagged by dragging and dropping a category onto a photo or by dragging and dropping a photo onto the folder. In summary, my paper does not disclose, teach, or suggest displaying photos and associated tags in response to a first search where the displayed tags associated with the displayed photos are themselves clickable to cause a second search to occur that returns all photos associated with the clicked tag as recited in amended independent claim 1. Further, I also reviewed Rhoads for this element and determined that Rhoads simply does not disclose this element.

Kustanowitz Declaration, Paragraphs 14 - 15.

The fourth quoted element requires the ability to export digital photographs with embedded tags from the system to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags. This element is also not disclosed, taught, or suggested by Kustanowitz or Rhoads. As explained in the Kustanowitz Declaration:

> 16. Amended independent claim 1 now recites: "wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags." Thus, this claim requires that the photos can be exported from the proprietary system to a different system without losing the user-generated tags that are embedded using the EXIF format. This element is not disclosed in my paper or in Rhoads.
>
> 17. When addressing previously presented claims 7 and 12, the Final Office Action on page 10 states that "Kustanowitz discloses the digital files including the embedded digital tags can be exported within the file's original format." The Final Office Action cites Section 4.1 of my paper as "clearly disclos[ing] that the files of the collection may be chosen for personal and professional use which indicates that single or multiple files may be exported for use in other applications. Examiner notes that no change of file format is necessitated to export files in this manner." I respectfully disagree with the Final Office Action's interpretation of Section 4.1 of my paper. Rather, Section 4.1 of my paper is directed to using tags/annotations/metadata to find photos and then a user could download a desired photo (e.g., for professional or personal use). In the example in Section 4.1 of paper, after searching, finding, and selecting a

> desired photo, all of the metadata of the downloaded picture is stripped during the downloading/exporting of the picture. While this stripping of the metadata is not specified in my paper, that is what would happen at the time of my paper and the disclosed features therein. Thus, as my paper does not specifically address what happens with the metadata, I must disagree with the Final Office Action's assertion that "no change of file format is necessitated to export files in this manner."

Kustanowitz Declaration, Paragraphs 16 - 17.

Thus, for at least the reasons discussed in Applicants previous response and for these additional reasons, Independent claim 1 and all claims depending therefrom (i.e., claims 3-6 and 22-23) are not anticipated by or rendered obvious over Kustanowitz, Rhoads, or the combination thereof.

Amended Independent Claim 8

In the Applicants' response to Final Office Action previously filed on August 27, 2014, the Applicants presented arguments as to why the claims overcome the current rejections. Those arguments are hereby incorporated by reference herein. In addition to those arguments, Applicants note that independent claim 8 is amended to include additional elements not found in Kustanowitz or Rhoads.

For example, amended independent claim 8 recites, *inter alia*, (1) "embedding such user-generated digital tags in the digital photographs in a non-proprietary file format"; (2) "displaying the retrieved digital photographs along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from the file repository in response to the conducting the first search regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs"; (3) "in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs, (i) conducting a second search of the file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) displaying all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags"; and (4) "exporting from the web-based proprietary digital photograph system, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different web-based digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be

viewed in the different web-based digital photograph system along with the associated user-generated digital tags." Both Kustanowitz and Rhoads fail to disclose, teach, or suggest any of these elements.

Elements 1-4 are similar to elements 1-4 discussed above in reference to independent claim 1. Thus, for the reasons discussed in Applicants previous response and at least for the additional reasons discussed above in reference to independent claim 1, Independent claim 8 and all claims depending therefrom (i.e., claims 10-11 and 24-25) are not anticipated by or rendered obvious over Kustanowitz, Rhoads, or the combination thereof.

CONCLUSION

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

An RCE fee of $850.00 and a three month extension of time fee ($400) are being submitted concurrently herewith (minus the amount previously paid for the one month extension of time fee and for the two month extension of time fee) for a total fee of $1,250.00. It is believed that no additional fees are due in connection with the filing of this Response. However, should any additional fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 50-4181/069366-000002USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

Date: October 22, 2014

By: /Bradley M. Taub, Reg. No. 67,300/

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	10/22/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 14	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

LIE
/EFREM WARREN/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 12/05/2014

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EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
12/05/2014	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *10/22/2014*.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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

5)☒ Claim(s) *1,3-6,8,10,11 and 22-27* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1, 3-6, 8, 10-11, and 22-27* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

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) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

2. Claims 1, 3-6, 8, 10-11, and 22-27 Pending.

Claim 2, 7, 9, and 12-21 Canceled.

Response to Arguments

3. Applicant's arguments, see response, filed 10/22/2014, with respect to the rejection(s) of claim(s) 1, 3-6, 8, 10-11, and 22-27 under USC103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the previously cited art of Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005) and the newly cited art of Van der Meulen et al. (U.S. Pre-Grant Publication Number 2007/0282908, Published 12/06/2007, Filed 06/05/2006).

As per Applicants arguments, Examiner notes that many of Applicant's arguments have been found to be persuasive in view of the affidavit filed therewith, however additional art has been identified which addresses the newly amended claim limitations and shortcomings of the art of Kustanowitz, as noted in the affidavit. As such, the rejection will be updated in view of the newly identified references.

Examiner does take issue with several of the assertions made in the affidavit, however, in view of the presented claim language. While it is appreciated that Dr. Kustanowitz is commenting based on the intended operation of the claimed invention, Examiner notes that the scope of operation of the invention indicated in the claim language does not appear to be limited to the intended operation of the system which appears to be considered by Dr. Kustanowitz within the included affidavit. Firstly, regarding the limitation of “wherein a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved for said digital file repository in response to the conducting of the first search are displayed along with the displayed digital photographs on the user interface...", Examiner notes that the tag listing in Figure 1, which is described by Dr. Kustanowitz as a filter which include all the available tags, does include "a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs…” as a set of all available tags will include at least the portion of the tags associated with the search results. Examiner notes that the claims do not preclude additional tags being displayed and do not indicate a method of determining the tags which are to be displayed, but only indicate that the tags must be associated with the retrieved digital photographs, and asserts that if the tags may be used as a filter to filter digital photographs, at least some of the tags of the filter are clearly associated with the digital photographs which are displayed. Examiner further notes that, within this Section, Dr. Kustanowitz appears to very clearly describe the functionality associated with performing a second search

responsive to a click of the tags (i.e. "…when an associated box is selected (i.e. checked) by a user, the pictures on the left are filtered to only show pictures that are associated with the tag or tags associated with the checked box or boxes."). Examiner asserts that the tags of the filter list may be selected and deselected to perform the second search of the claims.

In light of the above arguments, the rejection will be updated to reflect amendments made to the claims and maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3-6, 8, 10-11, and 22-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kustanowitz et al. ("Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives", Tech. Report HCIL-2004-18, U. Maryland, 2005 and referred to hereinafter as Kustanowitz) in view of Van der Meulen et al. (U.S. Pre-Grant Publication Number 2007/0282908, Published 12/06/2007, Filed 06/05/2006 and referred to hereinafter as Meulen).

As per Claims 1, 8, and 25, Kustanowitz discloses a web-based proprietary digital photograph storage and sharing system and method comprising: a digital file

repository for storing and retrieving digital photographs via the Internet (See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); a digital tagging coupled to the digital file repository configured to assign user generated digital tags of arbitrary length to at least some of the digital photographs in response to user inputs, wherein the user generated digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories. Further see Section 2.1 and Figure 1 which clearly disclose that tags may be embedded into the files using the interface, either through a drag and drop interaction or a selection and labeling interaction. Examiner notes that the tags are clearly user generated and of arbitrary length.); a sorting system coupled to the digital file repository and configured to (i) conduct a first search of the digital file repository for digital photographs based on one or more of the user generated digital tags at a time and (ii) retrieve such digital photographs from the digital file repository (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner further notes that at least Figure 1 discloses that multiple tags may be sorted and retrieved at a time, as can be seen within the multiple tags displayed in the tree-view based sidebar at a time.); and a user interface coupled to the digital tagging and sorting system to display the digital tagging system, the sorting system and the retrieved digital photographs to the user (See Section 2.1 and Figure 1), and to enable the user to input digital photographs to the digital file repository, and to assign one or more

of the user-generated digital tags to selected digital photographs stored in the digital file repository (See Section 2.1 and Figure 1 which clearly disclose that files may be added to the repository (i.e. “dropped when first imported”) and that digital tags may be selectively added to the files using the interface (i.e. either the tag name…or the category…can be dragged and dropped onto a picture in order to classify it"). Examiner notes that the dragging and dropping may be done in either direction (i.e. tags to photos or photos to tags) and that multiple selection of photos and tags is supported.); and wherein a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from said digital file repository in response to the conducting of the first search are displayed along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs (See Figure 1 which clearly indicate that all tags associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner notes that Figure 1 further discloses that the tags may be further searched after an initial search based on the tag tree of Figure 1, which includes each of the tags and therefor contains all tags of the displayed digital photographs, wherein the tags of the tag tree may be selected and deselected via mouse clicks.), and wherein in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user interface, (i) the sorting system conducts a second search of the digital file repository for digital photographs based on

the clicked one of the user-generated digital tags and (ii) the user-interface displays all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags (See Figure 1 which clearly indicate that all tags associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner notes that Figure 1 further discloses that the tags may be further searched after an initial search based on the tag tree of Figure 1, which includes each of the tags and therefor contains all tags of the displayed digital photographs, wherein the tags of the tag tree may be selected and deselected via mouse clicks.).

Kustanowitz fails to explicitly disclose that the user-generated digital tags are embedded within the digital photographs in an exchangeable image file format (EXIF) and wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user generated digital tag, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags.

Meulen discloses the user-generated digital tags are embedded within the digital photographs in a non-proprietary file format, wherein the file format may be an

exchangeable image file format (EXIF) (See Paragraph 27 which clearly discloses that data may be embedded within image files in EXIF format and that user created fields may be defined.) and wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the in a non-proprietary file format, wherein the file format may be an exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user generated digital tag, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags (See Paragraph 27 which clearly discloses that data may be embedded within image files in EXIF format and that user created fields may be defined. Examiner further notes that EXIF information is well known to the art to be embeddable within the image files themselves, such that the EXIF information may be transferred along with the file. Further see Paragraph 36 which indicates that the images may be used by at least a map generator which uses the metadata of the files to create a digital map used for sharing the digital photographs. Examiner further notes any of the applications of the art of Kustanowitz may utilize embedded metadata. Examiner notes, finally, that this limitation of Claim 1 may be construed as a recitation of intended use as the limitation indicates that the system can perform the exporting functions, but does not require that the system does perform the exporting functions.).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include that the user-generated digital tags are embedded within the digital photographs in in a non-proprietary file format, wherein the file format may be an exchangeable image file format (EXIF) and wherein the digital photographs including the embedded

user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the non-proprietary file format, wherein the file format may be an exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user generated digital tag, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags with the motivation of classifying and categorizing media using metadata (Meulen, Abstract).

As per Claim 3, Kustanowitz discloses the user interface organizes and presents the retrieved digital photographs based on the one or more of the user-generated digital tags selected by the user for the first search of the digital file repository (See Section 2.1 and Figure 1 clearly describe and illustrate an interface wherein the tags are represented by a tree-based folder structure, and that the selecting (i.e. clicking) a folder of the tree based structure representing a particular tag will result in a presentation of all items of content (i.e. pictures) which have been tagged with the selected tag).

As per Claims 4 and 10 Kustanowitz discloses a system for tracking relationships between users, so that a family tree can be displayed (See Section 4.1 which clearly discloses that the tags may be used to track relationships which may be used to form a family tree or organizational chart.).5

As per Claims 5 and 11, Kustanowitz discloses a system for linking a recipe to a person's name or to a user (See Section 2.1 which clearly discloses that free text annotations may be added to photos and Section 4.1 which indicates that the photos may be linked to names. Examiner asserts that the subject matter of a recipe does not affect the functionality of the system and as such is considered to be non-functional descriptive material. Examiner asserts that as free-text information may be associated with the names and photos, the limitation is sufficiently disclosed.).

As per Claim 6, Kustanowitz discloses the user interface is user-configurable (See Section 4.1 which clearly discloses that the user interface is zoom-able to varying levels of granularity within the photo collection. Examiner notes that this zooming functionality is a form of user configurability.).

As per Claim 8, Kustanowitz discloses a computer-implemented method of storing digital photographs using a web-based proprietary digital photograph system, the method comprising: storing digital photographs in a file repository from which said digital photographs can be retrieved via the Internet(See Section 2.1 which clearly discloses that the photo services may be web based and Section 4.1 which clearly discloses that the photos may be stored and retrieved.); associating a plurality of user-generated digital tags of arbitrary length having different tag types with at least some of the stored digital photographs in response to user inputs (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories. Further see Section 2.1 and Figure 1 which clearly disclose that tags may be embedded into the files using the interface, either through a drag and drop interaction or a selection and labeling interaction. Examiner notes that the tags are clearly user generated and of arbitrary length.); wherein

the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type (See Sections 2.1-2.3 and 4.1 which clearly disclose that the digital files may be tagged with various forms of information including at least names of people, dates, relationships, and categories.); sorting and retrieving the digital photographs and associated digital tags according to a plurality of types of da tags at a time (See Sections 4.1, 4.3, 4.4 which clearly disclose that images may be searched for based at least on data relating to a person, relationship, event, and date. Further see Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner further notes that at least Figure 1 discloses that multiple tags may be sorted and retrieved at a time, as can be seen within the multiple tags displayed in the tree-view based sidebar at a time.); and enabling the user to input digital photographs to the digital file repository, and to input data to the digital tags associated with selected digital photographs (See Section 2.1 and Figure 1 which clearly disclose that files may be added to the repository (i.e. “dropped when first imported”) and that digital tags may be selectively added to the files using the interface (i.e. either the tag name…or the category…can be dragged and dropped onto a picture in order to classify it"). Examiner notes that the dragging and dropping may be done in either direction (i.e. tags to photos or photos to tags) and that multiple selection of photos and tags is supported.); and displaying said assigned tag data associated with any digital photograph selected from said repository, along with the selected photograph on a user interface, regardless of what portion of said tag data is used in the sorting of said digital photographs (See Figure 1 which clearly indicate that all tags associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be

displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information.).

Kustanowitz fails to disclose embedding the digital tags in the digital photographs in a non-proprietary file format and that the searching of tag types simultaneously searches a plurality of non-proprietary tag types.

Rhoads further discloses embedding the digital tags in the digital photographs in a non-proprietary file format (See Column 7, Lines 27-52 and Column 8, Lines 24-25which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Further see Column 7, Lines 4-25 and Column 8, Lines 27-52 which clearly indicate that the tags may exist and be embedded in non-proprietary file formats.) and that the searching of tag types simultaneously searches a plurality of non-proprietary tag types (See Column 7, Lines 27-52 and Column 8 Lines 24-25 which clearly disclose that digital tags (i.e. metadata) associated with digital media files may be embedded into the digital media files in order to enable the creation of a searchable index based on the metadata. Examiner notes that all the tags are indexed and as such are simultaneously searchable and that the metadata tags are clearly described as being non-proprietary (i.e. inherent to file type).).

It would have been obvious to one skilled in the art at the time of Applicant's invention to modify the teachings of Kustanowitz with the teachings of Rhoads to include embedding the digital tags in the digital photographs in a non-proprietary file format and that the searching of tag types simultaneously searches a plurality of non-

proprietary tag types with the motivation of creating a searchable index of media based on metadata associated with the media (Rhoads, Abstract).

As per Claims 22 and 26, Kustanowitz discloses the digital tagging system is configured to assign one of the user-generated digital tags to a plurality of the digital photographs at once (See the “multiple drag and drop" functionality of Section 2.1).

As per Claim 23, Kustanowitz discloses the system is configured to display a recipe view using the user interface, the recipe view including one or more of the digital photographs assigned with a user-generated digital tag including recipe data, a first one of the one or more of the digital photographs being a digital photograph of a hand written recipe and a second one of the one or more of the digital photographs being a digital photograph of a chef of the recipe (Examiner notes that the limitation is considered to be largely comprised of non-functional descriptive material which described the subject matter of an image or annotation. Section 2.1 and Figure 1 of Kustanowitz clearly indicate that multiple images may be displayed in a single interface and that the images may be associated with co-displayed annotation information. Examiner notes that this enables the display of pictures of recipes, annotations regarding those recipes, and pictures of the creators of recipes).

As per Claims 24 and 27, Kustanowitz discloses each of the displayed digital photographs associated with the clicked one of the user-generated digital tags is displayed along with its associated user-generated digital tags that can be clicked by the user to conduct a subsequent search (See Figure 1 which clearly indicate that all tags

associated with a photograph, including captions and comments, may be displayed along with the photograph when the photograph is selected. Examiner notes that this functionality is separate from the sorting functionality and is therefore present regardless of how the photograph is selected to be displayed. Further see Sections 4.1, 4.3, 4.4 which clearly disclose that images may be displayed as a result of the searches and therefor based on the digital tags and Section 2.1 and Figure 1 which clearly disclose that files may be selected and sorted based on embedded tag information including at least name and category information. Examiner notes that Figure 1 further discloses that the tags may be further searched after an initial search based on the tag tree of Figure 1, which includes each of the tags and therefor contains all tags of the displayed digital photographs, wherein the tags of the tag tree may be selected and deselected via mouse clicks, and wherein the selecting and deselecting can be performed an arbitrary number of times.).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL HICKS whose telephone number is (571)272-2670. The examiner can normally be reached on M-F 9:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Hicks/
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Art Unit 2165
Phone: (571)272-2670
Fax: (571)272-2670

Notice of References Cited	Application/Control No. 13/157,214	Applicant(s)/Patent Under Reexamination DESMOND ET AL.	
	Examiner MICHAEL HICKS	Art Unit 2165	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2007/0282908	12-2007	Van der Meulen et al.	707/104.1
	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
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Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	Art Unit
	MICHAEL HICKS	2165

CPC- SEARCHED		
Symbol	Date	Examiner
G06F 17/30268, 3028, 30946, 30998, 30997	11/21/2013	mjh

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
707	706, 736 (Limited Text)	11/13/2012	mjh

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name Search	11/13/2012	mjh
Double Patenting Search	11/13/2012	mjh
East Search (See Attached)	11/13/2012	mjh
NPL Search (See Attached)	11/13/2012	mjh
Updated NPL Search (See Attached)	3/13/2013	mjh
Review of Previously Identified Art	3/13/2013	mjh
Review of Previously Identified Art	11/21/2013	mjh
Updated EAST Search (See Attached) (CPC)	11/21/2013	mjh
Updated EAST Search (See Attached) (CPC)	4/29/2014	mjh
Review of Previously Identified Art	4/29/2014	mjh
Updated EAST Search (See Attached)	11/18/2014	mjh
Updeated NPL Search (See Attached)	11/18/2014	mjh
Review of Previously Identified Art	11/18/2014	mjh

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/M.H./ Primary Examiner.Art Unit 2165

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	4096	desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:01
S2	4	desmond.in. tag$3 (family same tree$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:02
S3	1	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:03
S4	18	desmond.in. tag$3 (photo$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:04
S5	17135	(photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:05
S6	78	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:05
S7	8252	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:06
S8	54	(707/706.ccls. or 707/736.ccls.)	US-PGPUB;	AND	OFF	2012/11/13

		(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			21:06
S9	5781	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:06
S10	44	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:07
S11	550	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:07
S12	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:07
S13	154	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:08
S14	0	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:09
S15	3	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3) (export$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:09
S16	89	"7372976"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	AND	OFF	2013/03/13 17:17

			IBM_TDB			
S17	1038	G06F ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:14
S18	0	G06F same ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:21
S19	89	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:22
S20	3	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:22
S21	1	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:22
S22	14	G06F ("30268")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:24
S23	6	G06F ("30268") (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:25
S24	2025	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S25	321	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or	US-PGPUB; USPAT; USOCR; FPRS; EPO;	AND	OFF	2014/04/29 16:56

		G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4))	JPO; DERWENT; IBM_TDB			
S26	6	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S27	4	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S28	334	G06F17/30268.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S29	124	G06F17/30268.cpc. (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:57
S30	2	"20070282908"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/11/18 14:03

EAST Search History (Interference)

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11/18/2014 11:18:51 PM
C:\Users\mhicks1\Documents\EAST\Workspaces\13157214.wsp

Social Software as an Infrastructure for Crisis Management–a Case Study about Current Practice and Potential Usage

C Reuter, A Marx, V Pipek - Proceedings of the 8th ..., 2011 - reuter-webdesign.de

... Already after the terrorist attacks of 11 September wikis, **created** by citizens, were used to ... In addition to those studies on **user** behaviour and the use of social software in crisis situations, there are other articles proposing solutions for including citizen-**generated** information in ...

Cited by 19 Related articles All 3 versions Cite Save More

Understanding of tourist dynamics from explicitly disclosed location information

F Girardin, F Dal Fiore, J Blat, C Ratti - Symposium on LBS and ..., 2007 - Citeseer

Cited by 34 Related articles All 5 versions Cite Save

Big **data** privacy issues in public social media

M Smith, C Szongott, B Henne... - ... (DEST), 2012 6th IEEE ..., 2012 - ieeexplore.ieee.org

... mobile networks is facilitating a culture of spontaneous and carefree uploading of **user-generated** content ... Secondly we have the Big **Data** problems **created** by others: An emerging threat to users ... people and geo-reference, but no **user** profile **tags** – ie images which could contain ...

Cited by 17 Related articles Cite Save

Summarization of personal photologs using multidimensional content and context

P Sinha, S Mehrotra, R Jain - Proceedings of the 1st ACM International ..., 2011 - dl.acm.org

... COVERAGE: A summary should be a good representative of the larger corpus it is **created** from. ... A pre- defined query nuggets are **generated** by sampling from this distri- ... Each photolog obtained from a **user** contains photos shot over a time span from a few months to a year. ...

Cited by 15 Related articles All 2 versions Cite Save

Bottom-up gazetteers: Learning from the implicit semantics of geotags

C Keßler, P Maué, JT Heuer, T Bartoschek - GeoSpatial semantics, 2009 - Springer

... They identify individual objects, either directly or indirectly by looking at photos **created** by camera sensors. ... Her spatio-temporal activity – the **user's** movement across space and time – is queried using the ... For cases such as Soho, multiple gazetteer entries are **generated**. ...

Cited by 27 Related articles All 13 versions Cite Save

Imagesemantics: **User-Generated** Metadata, Content Based Retrieval & Beyond.

M Spaniol, R Klamma, M Lux - J. UCS, 2008 - jucs.org

... Content-dependent metadata includes low-level features automatically **generated** from the image content. For content- dependent metadata no **user** interaction is needed. ... On top of it, Emir supports content based image retrieval in local image repositories **created** with Caliph. ...

Cited by 12 Related articles All 10 versions Cite Save

A mobile platform for on-the-move **user-generated** tourist contents

A Garcia, MT Linaza, I Arbulu, I Torre... - ... Indexing, 2008. CBMI ..., 2008 - ieeexplore.ieee.org

... Fortunately, digital cameras provide useful metadata automatically such as time, location and **EXIF** parameters, including focal length, exposure time or flash ... **User-generated** content. ... folksonomies, which states that few **tags** are used most of the times, a **tag** will not be **created** if ...

Cited by 9 Related articles Cite Save

Recovery of descriptive information in images from digital libraries by means of **EXIF** metadata

NL Romero, VVGCG Chornet, JS Cobos... - Library Hi ..., 2008 - emeraldinsight.com

... the copyright is strictly related to the author's rights, and the documentation **generated** by institutions ... The digital image is a recent document **created** by the Reino de Valencia Archive, although ... format to another, and that these metadata are visible for the **user**, independently of ...

Cited by 14 Related articles All 2 versions Cite Save

Balog: Location-based information aggregation system

H Uematsu, K Numa, T Tokunaga, I Ohmukai... - Poster Proceedings of ..., 2004 - files.ifi.uzh.ch

... via E-mail with location-based information sent by a Balog **user**; the other is via RSS files **generated** by weblog ... These accounts are **created** by Balog sys- tem ... If the **user** wants to update her/his weblog site with mobile phone, Balog system updates the weblog site auto- matically ...

Cited by 15 Related articles All 7 versions Cite Save More

Fotofiti: web service for photo management

BN Lee, WY Chen, EY Chang - Proceedings of the 14th annual ACM ..., 2006 - dl.acm.org

... The suggestions are deter- mined from the SVM trained classifiers which make use of **EXIF data** and perceptual features. Figure 2: **Tag** Suggestions ... Each event

has a single owner, specifically the **user** that **created** the event. **...**
Cited by 9 Related articles All 4 versions Cite Save

Digital footprinting: Uncovering tourists with **user-generated** content

F Girardin, F Calabrese, FD Fiore... - Pervasive Computing, ..., 2008 - ieeexplore.ieee.org

... For in- stance, the time stamps extracted from the camera-**generated EXIF** metadata don't **...** He is also a cofounding partner of Simpliquity, a **user** experience consultancy in **...** dynamics through sensor networks; analysis and design of distributed, hybrid, **embedded** control systems **...**

Cited by 193 Related articles All 13 versions Cite Save

A uri is worth a thousand **tags**: From tagging to linked data with moat

A Passant, P Laublet, JG Breslin... - International Journal on ..., 2009 - igi-global.com

... date to any blog post or a photo sharing service could use **embedded EXIF** information to **...** The main advantage of tagging for end **users** is that one can use the keywords **...** Interlinking **user-generated** content with URIs of well-known and unambiguous resources from the Semantic **...**

Cited by 32 Related articles All 4 versions Cite Save

Uncovering the presence and movements of tourists from **user-generated** content

F Girardin, F Calabrese, F Dal Fiore... - Intn'l Forum on Tourism ..., 2008 - girardin.org

... **EXIF**) metadata **embedded** in the **...** For instance, the timestamps extracted from the camera-**generated EXIF** metadata does not necessarily match the correct time at **...** Future works will aim at further systematic assessment of the quality of these **user-generated** data and **...**

Cited by 15 Related articles All 2 versions Cite Save More

The search for interoperability

JR Smith - MultiMedia, IEEE, 2008 - ieeexplore.ieee.org

... Notable examples are the ID3 set of **tags** for music metadata, which was popularized by the explosion of interest in MP3 format music, and the **EXIF** standard for digital photographs that allows metadata to be **embedded** in digital **...** Source Professional **User generated ...**

Cited by 18 Related articles All 6 versions Cite Save

SnapMe if you can: privacy threats of other peoples' geo-**tagged** media and what we can do about it

B Henne, C Szongott, M Smith - ... of the sixth ACM conference on Security ..., 2013 - dl.acm.org

... However, the capability to **embed** metadata into the media (instead of storing it in the **...** Additionally, **embedded** keywords and textual loca- tion information (country, state, city) are extracted as **...** The access to GPS data (map view, exact coordinates in HTML source, **EXIF** data view **...**

Cited by 18 Related articles All 3 versions Cite Save

Synote: weaving media fragments and linked data

Y Li, M Wald, T Omitola, N Shadbolt, G Wills - 2012 - eprints.soton.ac.uk

... It fills the gap between the structured metadata models, such as SMIL and **EXIF** [35], and **...** 14youtu.be/abc is an HTML document and the actual video content **embedded** in this document **...** GET method for the deref- erencing of RDF representation and we also **embed** Micro- data **...**

Cited by 9 Related articles All 7 versions Cite Save

Conceptualization of place via spatial clustering and co-occurrence analysis

DP Deng, TR Chuang, R Lemmens - Proceedings of the 2009 ..., 2009 - dl.acm.org

... the results of the analyses to gain understandings about places from **user–generated** con- tents **...** **EXIF** metadata of the uploaded photos, including camera settings, captured time and **embedded** coordinates from **...** If there is no location information in **EXIF** of the photos, the location **...**

Cited by 8 Related articles All 3 versions Cite Save

Destinations similarity based on **user generated** pictures' **tags**

A Inversini, D Eynard, E Marchiori, L Gentile - 2012 - 202.154.59.182

... Geotag information is typically **embedded** within picture metadata (stored in **EXIF** format, see http://www.**exif**.org/specifications.html). **...** to the above mentioned research questions, it is thus possible to claim that (rQ2) the additional information coming from **user** tagging activities **...**

Cited by 3 Related articles All 8 versions Cite Save More

New XML-based files: implications for forensics

SL Garfinkel, JJ Migletz - 2009 - DTIC Document

... XML files, and potentially in other **embedded** objects (for example, in the **EXIF** headers of **...** of the ZIP file creation and aren't displayed by Oce applications to the **user**, they nevertheless **...** to these ZIP directory time stamps, we found many other time stamps **embedded** within vari **...**

Cited by 17 Related articles All 7 versions Cite Save

Sunrise: towards location based clustering for assisted photo management

K Yousef, E O'Neill - Proceedings of the 2007 workshop on Tagging, ..., 2007 - dl.acm.org

... The image capture times are extracted from the **EXIF** (Exchangeable Image File Format) data **...**

application or file explorer, our desktop component is able to extract **embedded tags** from within **...**
On the other hand, **user-created** clusters such as “Me, my friends and Pizza” that are **...**
Cited by 6 Related articles All 3 versions Cite Save

Semantic keyword-based retrieval of photos taken with mobile devices

W Viana, S Hammiche, B Moisuc... - Proceedings of the 6th ..., 2008 - dl.acm.org

... Advanced options are also available for allowing **users** to inform more refined relations such as "people on ... tn} from the tuples Q. As we have indexed our photos with terms **generated** from the ... in this way in order to alleviate the problem of imprecision in **user's** information needs. ...

Cited by 9 Related articles All 4 versions Cite Save

Intelligent multimedia content management on mobile devices

B Gandhi, A Martinez, F Bentley - Multimedia and Expo, 2004. ..., 2004 - ieeexplore.ieee.org

... These operations are required during the cap ture, management, and **export** of metadata-enriched me- dia. ... importing media into the phone, organizing the media on the phone, and **exporting** the media ... The **user** interface is provided via a touch screen on a 320x240 pixel display ...

Cited by 18 Related articles All 5 versions Cite Save

Learning from contextual information of geo-**tagged** web photos to rank personalized tourism attractions

K Jiang, H Yin, P Wang, N Yu - Neurocomputing, 2013 - Elsevier

... Download PDF. **Export** citation. More ... We intend to mine **user** similarity from **users**' photo statistics, and use it for collaborative filtering recommendation later ... Although the tourism attraction's popularity is already estimated by **user** information and photo quantity, we still believe that ...

Cited by 4 Related articles All 3 versions Cite Save

Automated Redaction of Private and Personal **Data** in Collections

CA Lee, K Woods - ils.unc.edu

... This includes **exporting** forensic **data** in ways that can then be imported into descriptive systems, as ... Such files are typically not visible to **users** interacting with a filesystem (Figure 1). Note ... image, which may be hosted in a sandboxed virtual environment where the **user** (either at ...

Cited by 1 Related articles All 3 versions Cite Save More

Mixed reality web service platform

P Selonen, P Belimpasakis, Y You, T Pyivänäinen... - Multimedia ..., 2012 - Springer

... such as searching content in a geographical location, commenting, tagging and **exporting** the social ... can be considered privacy sensitive, since it indirectly exposes the location of a **user**. ... all requests to such resources should be controlled and only allowed to authorized **users**. ...

Cited by 9 Related articles All 6 versions Cite Save

METHOD AND APPARATUS FOR DETERMINING MULTIMEDIA **DATA** AUTHENTICITY LEVEL

P Rahja, M Halmagiu... - US Patent ..., 2014 - freepatentsonline.com

... **Export** Citation: Click for automatic bibliography generation. ... Furthermore, the price information may comprise price for the third **users** to receive multimedia **data** of the task. ... Thus it is possible to verify the authenticity of **user generated** content quickly and efficiently. ...

Cite Save More

Folksonomies: Indexing and retrieval in Web 2.0

I Peters - 2009 - books.google.com

... Figure I: The Production of **User-generated** Content, the Development of Collaborative Information ... Folksonomies offer query-, **user**- and resource-specific properties that may be exploited for ... **Users**' indexing activities may be statistically analysed and equally exploited for ...

Cited by 168 Related articles All 7 versions Cite Save More

Intelligent Cropping of Images Based on Multiple Interacting Variables

B Srinivasan, BR Lider, Z Yeskel... - US Patent App. 13/ ..., 2012 - Google Patents

Sign in. Screen reader **users**: click this link ... may refer to any form of internet based communication that allows for the creation and exchange of **user-generated** content. ... In an embodiment, a **user** may perform the functions of recognition module 220 and association module 230 by ...

All 2 versions Cite Save

Automatic discovery of popular landmarks

FA Brucher, U Buddemeier, H Adam... - US Patent 8,676,001, 2014 - Google Patents

... In stage 903, the new image is **tagged** with the newly **generated tags**. ... cluster may include the number of images, popularity in terms of the number of unique **users** or authors ... The link 1021 includes a linking method such as a **user**-navigable hyperlink to retrieve the images and ...

Related articles All 4 versions Cite Save

A Full End-to-end Automation Chain with MOIS, PLUTO, MATIS, SMF and SCOS-2000

S Reid, W Heinen, S Pearson - arc.aiaa.org

... MOIS also **exports** to several On-Board-Control Procedure (OBCP) languages ... Since MOIS

automation procedures can be **exported** in all these forms, procedures can be written **...** These procedures can be an **export** product of the Manufacturing and Operations Information System **...**
Related articles Cite Save

Metadata practices for consumer photos

J Tesic - MultiMedia, IEEE, 2005 - ieeexplore.ieee.org

... Defining Metadata The National Information Standards Organization defines metadata as structured information that describes **...** of the International Imaging Industry Associa- tion (I3A) has also **defined** a metadata **...** An average **user** will see value in these standards once the photo **...**

Cited by 44 Related articles All 9 versions Cite Save

Bringing **user**-generated content from internet services to mobile augmented reality clients

P Belimpasakis, P Selonen... - Virtual Reality Workshop (..., 2010 - ieeexplore.ieee.org

... That would **mean** filtering out content that does not have the relevant geo-location and orientation **...** That would translate in a request for getting photos in the given area (**defined** by the **...** To enable such functionality, the **user's** Flickr account required pairing with our service, and a **...**

Cited by 12 Related articles All 2 versions Cite Save

Caliph & emir: Semantic annotation and retrieval in personal digital photo libraries

M Lux, J Becker, H Krottmaier - Proceedings of CAiSE, 2003 - semanticmetadata.net

... All images within the same context are placed in one file system folder and the **user** opens the **...** After **defining** a "base" description which is the same for all images of the series like the **...** the so called "autopilot" can be used, which opens all images in the **defined** folder sequentially **...**

Cited by 31 Related articles All 2 versions Cite Save More

Recovery of descriptive information in images from digital libraries by means of **EXIF** metadata

NL Romero, VVGCG Chornet, JS Cobos... - Library Hi ..., 2008 - emeraldinsight.com

... Definition of **tags** or metadata schemes. **...** This model advanced in 1994 when Adobe **defined** a specification to fit the metadata into files of digital images, known as **... tags** do not disappear if the image is processed or converted to other formats[3]. Therefore, the **user** who receives **...**

Cited by 14 Related articles All 2 versions Cite Save

Specifying, assigning, and maintaining **user defined** metadata in a network-based photosharing system

RP Morris, H Svendsen, P Scardino - US Patent 7,266,563, 2007 - Google Patents

... client computer in which the **user** specifies a plurality of properties **defining** the custom **...** to a method and system for specifying, assigning, and maintaining **user-defined** metadata in **...** embodiment the vocabularies are specified using the RDF schema **definition** language specified **...**

Cited by 13 Related articles All 4 versions Cite Save

Method, system, and computer-readable medium for **user**-assignment of geographic data to an image file

M Rudd, V Russon - US Patent App. 10/862,677, 2004 - Google Patents

... system according to claim 12 , wherein the memory device stores a data set **defining** a geographic **...** 131D 1 -131D N for recording GPS information associated with image 141 **defined** by data **...** N that may be utilized in embodiments of the invention for enabling **user** assignment of **...**

Cited by 12 Related articles All 4 versions Cite Save

Techniques for managing media content

PS van der Meulen, MW Crowley - US Patent App. 11/447,533, 2006 - Google Patents

... The term "coupled," however, may also **mean** that two or more elements are not in **...** It may be appreciated that the **EXIF user** data format in general and the **fields ...** object classifier 106 may organize the media objects into various predefined categories, **user-defined** categories as **...**

Cited by 16 Related articles All 2 versions Cite Save

Method and apparatus for automatic photograph annotation with contents of a camera's **field** of view

D Kogan - 2002 - Google Patents

... The application program can then record within the image file the names of the returned features using **fields defined** in the **EXIF** standard. [0025]FIG. **...** First, the **user** 200 uploads 500 the photograph information to the computer 400 (as discussed above with respect to FIG. **...**

Cited by 28 Related articles All 2 versions Cite Save

New trends and ideas in visual concept detection: the MIR flickr retrieval evaluation initiative

MJ Huiskes, B Thomee, MS Lew - Proceedings of the international ..., 2010 - dl.acm.org

... Note that by **definition**, images relevant in this latter, stronger, sense are always also **...** to RF by support vector machines; the green graph shows the **mean** precision-recall for **...** downloads are provided for the various types of metadata: the Flickr **user tags**, **EXIF fields**, and content **...**

Cited by 126 Related articles All 4 versions Cite Save

Tag refinement in an image folksonomy using visual similarity and tag co-occurrence statistics

S Lee, W De Neve, YM Ro - Signal Processing: Image Communication, 2010 - Elsevier

... According to this **definition**, meaningless **tags** (eg, 'asdf' and 'grrr'), imprecise **tags**, and **tags**

containing typographical errors ... that i is an image and that T i is a set of **user-defined tags** assigned to ... of each image annotated with tag t in the folksonomy Q and the **mean** feature vector ...
Cited by 17 Related articles All 7 versions Cite Save

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	13157214	DESMOND ET AL.
	Examiner	**Art Unit**
	MICHAEL HICKS	2165

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

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

CLAIM		DATE								
Final	Original	11/13/2012	03/13/2013	11/21/2013	04/29/2014	11/18/2014				
	1	✓	✓	✓	✓	✓				
	2	✓	✓	✓	✓	-				
	3	✓	✓	✓	✓	✓				
	4	✓	✓	✓	✓	✓				
	5	✓	✓	✓	✓	✓				
	6	✓	✓	✓	✓	✓				
	7	✓	✓	✓	✓	-				
	8	✓	✓	✓	✓	✓				
	9	✓	✓	✓	✓	-				
	10	✓	✓	✓	✓	✓				
	11	✓	✓	✓	✓	✓				
	12	✓	✓	✓	✓	-				
	13	✓	✓	✓	✓	-				
	14	✓	✓	✓	✓	-				
	15	✓	✓	✓	✓	-				
	16	✓	✓	✓	✓	-				
	17	✓	✓	✓	✓	-				
	18	✓	✓	✓	✓	-				
	19	✓	✓	✓	-	-				
	20	✓	✓	✓	✓	-				
	21				✓	-				
	22					✓				
	23					✓				
	24					✓				
	25					✓				
	26					✓				
	27					✓				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	13/157,214
Applicants	:	Christopher Desmond et al.
Filed	:	June 9, 2011
Title	:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
Confirmation No.	:	6707
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Customer No.:	:	70001
Docket No.	:	069366-000002USPT

RESPONSE TO NON-FINAL OFFICE ACTION DATED DECEMBER 5, 2014

Mail Stop Amendment – via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Non-Final Office Action dated December 5, 2014, which set a shortened statutory period for response of three months from that date, *i.e.*, by March 5, 2015. Thus, this reply is timely. Please consider the following amendments and enter the following remarks into the record for this application.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A web-based proprietary digital photograph storage and sharing system, the system comprising:

a digital file repository for storing and retrieving digital photographs via the Internet;

a digital tagging system coupled to the digital file repository and configured to assign user-generated digital tags of arbitrary length to at least some of the digital photographs in response to user inputs, and embed such user-generated digital tags in the digital photographs in an exchangeable image file format (EXIF), wherein the user-generated digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system coupled to the digital file repository and configured to (i) conduct a first search of the digital file repository for digital photographs based on one or more of the user-generated digital tags at a time and (ii) retrieve such digital photographs from the digital file repository; and

a user interface coupled to the digital file repository, the digital tagging system and the sorting system to display the digital tagging system, the sorting system and the retrieved digital photographs to a user, and to enable the user to input digital photographs to the digital file repository, and to assign one or more of the user-generated digital tags to selected digital photographs stored in the digital file repository, the displayed digital photographs being displayed according to one of a plurality of views; and

wherein a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from said digital file repository in response to the conducting of the first search [[are]] is displayed along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs, the portion including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs based on the one of the plurality of views, and wherein in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user

interface, (i) the sorting system conducts a second search of the digital file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) the user_interface displays all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags, and

wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags.

2. (Canceled)

3. (Previously Presented) The system of claim 1, wherein the user interface organizes and presents the retrieved digital photographs based on the one or more of the user-generated digital tags selected by the user for the first search of the digital file repository.

4. (Previously Presented) The system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. (Previously Presented) The system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Previously Presented) The system of claim 1, wherein the user interface is user-configurable.

7. (Canceled)

8. (Currently Amended) A computer-implemented method of storing and sharing digital photographs using a web-based proprietary digital photograph system, the method comprising:

storing digital photographs in a file repository from which said digital photographs can be retrieved via the Internet;

associating a plurality of user-generated digital tags of arbitrary lengths having different tag types with at least some of the stored digital photographs in response to user inputs, and embedding such user-generated digital tags in the digital photographs in a non-proprietary file format;

conducting a first search of the file repository for digital photographs based on one or more of the user-generated digital tags at a time;

in response to the conducting of the first search, retrieving digital photographs from the file repository that are associated with the one or more of the user-generated digital tags;

enabling a user to input digital photographs to the file repository, and to assign one or more of the user-generated digital tags to selected digital photographs stored in the file repository;

displaying the retrieved digital photographs along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from the file repository in response to the conducting the first search regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs, the displayed digital photographs being displayed according to one of a plurality of views, the portion including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs based on the one of the plurality of views;

in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs, (i) conducting a second search of the file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) displaying all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags; and

exporting from the web-based proprietary digital photograph system, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different web-based digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different web-based digital photograph system along with the associated user-generated digital tags.

9. (Canceled)

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12-21. (Canceled)

22. (Previously Presented) The system of claim 1, wherein the digital tagging system is configured to assign one of the user-generated digital tags to a plurality of the digital photographs at once.

23. (Previously Presented) The system of claim 1, wherein the system is configured to display a recipe view using the user interface, the recipe view including one or more of the digital photographs assigned with a user-generated digital tag including recipe data, a first one of the one or more of the digital photographs being a digital photograph of a hand written recipe and a second one of the one or more of the digital photographs being a digital photograph of a chef of the recipe.

24. (Previously Presented) The system of claim 1, wherein each of the displayed digital photographs associated with the clicked one of the user-generated digital tags is displayed along with its associated user-generated digital tags that can be clicked by the user to conduct a subsequent search.

25. (Previously Presented) The method of claim 8, wherein the user-generated digital tags are in an EXIF format.

26. (Previously Presented) The method of claim 8, wherein the enabling includes enabling the user to assign one or more of the user-generated digital tags to a plurality of selected digital photographs at once.

27. (Previously Presented) The method of claim 8, wherein each of the displayed digital photographs associated with the clicked one of the user-generated digital tags is displayed along with its associated user-generated digital tags that can be clicked by the user to conduct a subsequent search.

28. (New) A computer-implemented method of storing and sharing digital photographs using a digital photograph system, the method comprising:

storing digital photographs in a file repository from which the digital photographs can be retrieved via the Internet, the digital photographs in the file repository being configured to be displayed in one or more of a plurality of views, the plurality of views including a gallery view, an album view, a location view, a people view, a people profile view, a family tree view, a timeline view, a recipe view, or any combination thereof;

associating a plurality of user-generated digital tags of arbitrary lengths having different tag types with a first portion of the stored digital photographs in response to user inputs such that

a second portion of the stored digital photographs is not associated with the plurality of user-generated digital tags, and embedding such user-generated digital tags in the first portion of the stored digital photographs in a non-proprietary file format;

conducting a first search of the file repository for digital photographs based on one or more of the user-generated digital tags;

in response to the conducting of the first search, (i) retrieving digital photographs from the file repository that are associated with the one or more of the user-generated digital tags and (ii) displaying the retrieved digital photographs along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from the file repository, the displayed digital photographs being displayed in a first one of the plurality of views, the portion of the assigned user-generated digital tags including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs; and

in response to the user clicking on one of the user-generated digital tags displayed along with one of the displayed digital photographs, (i) conducting a second search of the file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) displaying all of the digital photographs in the digital file repository associated with the clicked one of the user-generated digital tags in a second one of the plurality of views.

29. (New) The method of claim 28, wherein the portion of the assigned user-generated digital tags is determined based on the first one of the plurality of views.

30. (New) The method of claim 28, further comprising exporting from the digital photograph system, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different digital photograph system along with the associated user-generated digital tags.

31. (New) The method of claim 28, wherein the first one of the plurality of views is the people view and the second one of the plurality of views is the people profile view.

32. (New) The method of claim 28, further comprising in response to a user selection of a no-tag criterion, displaying all of the digital photographs in the digital file repository that are not associated with any of the plurality of user-generated digital tags.

REMARKS

Claims 1, 3-6, 8, 10-11, and 22-27 are pending in the present application. No claims are canceled. Claims 1 and 8 are amended. New claims 28-32 are added. No new matter is entered. After entering this amendment, claims 1, 3-6, 8, 10-11, and 22-32 will be pending for prosecution.

Interview Summary

Applicants' representative (Bradley Taub) thanks Examiner Hicks for the interview conducted on February 27, 2015. During the interview, Applicants' representative and the Examiner discussed the pending Office Action, the applied references of Kustanowitz et al. "Motivating Annotation for Personal Digital Photo Libraries: Lowering Barriers while Raising Incentives," Tech. Report HCIL-2004-18, U. Maryland, 2005 ("Kustanowitz") and U.S. Publication No. 2007/0282908 ("Van der Meulen"), and proposed claim amendments. Specifically, for reasons unrelated to patentability and to advance prosecution, Applicants' representative proposed to amend independent claim 1 to further recite (1) "the displayed digital photographs being displayed according to one of a plurality of views" and (2) "the portion including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs based on the one of the plurality of views." Applicants' representative further proposed to amended independent claim 8 with the same language. The Examiner agreed that such an amendment to independent claims 1 and 8 appears to overcome all of the currently stated rejections. Applicants' representative indicated that a written response would be filed including such amendments.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-6, 8, 10-11 and 22-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kustanowitz in view of Van der Meulen. As discussed in the above summarized interview summary, the Examiner agreed that the amended claims appear to overcome this rejection. As such, Applicants respectfully request that the rejection be withdrawn and the claims be allowed.

New Claims

New claims 28-32 are added. For at least the same, or similar, reasons as discussed for independent claims 1 and 8 during the interview, Applicants believe that claims 28-32 should be allowed.

CONCLUSION

It is the Applicants' belief that all of the claims are in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

It is believed that no fees are due in connection with the filing of this Response. However, should any additional fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 50-4181/069366-000002USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

Date: March 2, 2015

By: /Bradley M. Taub, Reg. No. 67,300/

Bradley M. Taub
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(312) 425-8563 – Direct Telephone
(866) 513-5365 – Direct Facsimile

ATTORNEYS FOR APPLICANTS

Electronic Acknowledgement Receipt

EFS ID:	21644488
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	02-MAR-2015
Filing Date:	09-JUN-2011
Time Stamp:	18:38:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		069366-2USPT_Response_to_Office_Action.pdf	103995 4e11bcd0ad9d8bf45b3aaae2a6787a35452b206f	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	8
Warnings:			
Information:			
	Total Files Size (in bytes):	103995	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/157,214	Filing Date 06/09/2011	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	03/02/2015	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 20	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

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

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

LIE
/DIANIECE JACOBS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 03/05/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
03/05/2015	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketingchicago@nixonpeabody.com

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	13/157,214	DESMOND ET AL.	
	Examiner	Art Unit	
	MICHAEL HICKS	2165	

All participants (applicant, applicant's representative, PTO personnel):

(1) *MICHAEL HICKS*. (3)_____.

(2) *Bradley Taub*. (4)_____.

Date of Interview: *27 February 2015*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☒102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *Kustanowitz*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant proposed language which would further specify the views of the Specification within the claims. Examiner noted that the proposed language would overcome the rejection as currently cited, but that further review of the currently cited art as well as a new search would be necessitated. No agreement as to the patentability of the claims was reached.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MICHAEL HICKS/ Primary Examiner, Art Unit 2165	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	13/157,214
Applicants	:	Christopher Desmond et al.
Filed	:	June 9, 2011
Title	:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
Confirmation No.	:	6707
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Customer No.:	:	70001
Docket No.	:	069366-000002USPT

SUPPLEMENTAL RESPONSE TO NON-FINAL OFFICE ACTION DATED DECEMBER 5, 2014

Mail Stop Amendment – via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

This Supplemental Response is in addition to Applicants' timely filed Response filed on March 2, 2015. Thus, this Supplemental Response is timely. Please consider the following amendments (in addition to the amendments filed in Applicants' March 2, 2015 Response) and enter the following remarks into the record for this application.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A web-based proprietary digital photograph storage and sharing system, the system comprising:

a digital file repository for storing and retrieving digital photographs via the Internet;

a digital tagging system coupled to the digital file repository and configured to assign user-generated digital tags of arbitrary length to at least some of the digital photographs in response to user inputs, and embed such user-generated digital tags in the digital photographs in an exchangeable image file format (EXIF), wherein the user-generated digital tags include at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a sorting system coupled to the digital file repository and configured to (i) conduct a first search of the digital file repository for digital photographs based on one or more of the user-generated digital tags at a time and (ii) retrieve such digital photographs from the digital file repository; and

a user interface coupled to the digital file repository, the digital tagging system and the sorting system to display the digital tagging system, the sorting system and the retrieved digital photographs to a user, and to enable the user to input digital photographs to the digital file repository, and to assign one or more of the user-generated digital tags to selected digital photographs stored in the digital file repository, the user interface being configured to receive a user input to display thereon one or more of the digital photographs stored in the file repository in ~~displayed digital photographs being displayed according to one of~~ a plurality of views including a gallery view, an album view, a location view, a people view, a people profile view, a family tree view, and a timeline view; and

wherein in response to the user interface receiving the user input to display, the sorting system retrieves digital photographs from the file repository and auto-populates the user interface based on one or more of the user-generated digital tags such that

the retrieved digital photographs are displayed on the user interface along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from [[said]] the digital file repository ~~in response to the conducting of the first search is displayed along with the displayed digital photographs on the user interface, regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs~~, the displayed digital photographs being displayed in the people view, the portion of the assigned user-generated digital tags including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs ~~based on the one of the plurality of views~~, [[and]]

wherein in response to the user clicking on a first digital photograph of a first person displayed in the people view, the sorting system auto-populates the user interface with a people profile view for the first person including (i) a profile picture of the first person, (ii) birth information for the first person, (iii) family relationships for the first person, and (iv) one or more clickable links to other ones of the plurality of views that include one or more digital photographs of the first person;

in response to the user clicking on a displayed number of digital photographs associated with the first person displayed in the people view, ~~one of the user-generated digital tags displayed along with one of the displayed digital photographs on the user interface, (i) the sorting system conducts a second search of the digital file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii) the user interface displays~~ the sorting system auto-populates the user interface with all of the digital photographs in the digital file repository associated with the first person ~~clicked one of the user-generated digital tags~~, and

wherein the digital photographs including the embedded user-generated digital tags can be exported from the web-based proprietary digital photograph storage and sharing system in the exchangeable image file format (EXIF) and transferred to a different web-based digital photograph storage and sharing system without losing the user-generated digital tags, so that the transferred digital photographs can be viewed in the different web-based digital photograph storage and sharing system along with the transferred user-generated digital tags.

2. (Canceled)

3. (Previously Presented) The system of claim 1, wherein the user interface organizes and presents the retrieved digital photographs based on the one or more of the user-generated digital tags selected by the user for the first search of the digital file repository.

4. (Previously Presented) The system of claim 1, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

5. (Previously Presented) The system of claim 1, further comprising a system for linking a recipe to a person's name.

6. (Previously Presented) The system of claim 1, wherein the user interface is user-configurable.

7. (Canceled)

8. (Currently Amended) A computer-implemented method of storing and sharing digital photographs using a web-based proprietary digital photograph system, the method comprising:

storing digital photographs in a file repository from which said digital photographs can be retrieved via the Internet, the digital photographs in the file repository being configured to be displayed, on a display device, in a plurality of views including a gallery view, an album view, a location view, a people view, a people profile view, a family tree view, and a timeline view;

associating a plurality of user-generated digital tags of arbitrary lengths having different tag types with at least some of the stored digital photographs in response to user inputs, and embedding such user-generated digital tags in the digital photographs in a non-proprietary file format;

receiving a user input to display, on the display device, one or more of the digital photographs stored in the file repository in the people view ~~conducting a first search of the file repository for digital photographs based on one or more of the user-generated digital tags at a time~~;

~~in response to the conducting of the first search, retrieving digital photographs from the file repository that are associated with the one or more of the user-generated digital tags~~;

enabling a user to input digital photographs to the file repository, and to assign one or more of the user-generated digital tags to selected digital photographs stored in the file repository;

in response to the receiving the user input to display, (i) retrieving digital photographs from the file repository and (ii) auto-populating the display device based on one or more of the user-generated digital tags such that the ~~displaying~~ the retrieved digital photographs are displayed on the display device along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from the file repository ~~in response to the conducting the first search regardless of which of the user-generated digital tags are used in the searching and retrieving of said digital photographs~~, the displayed digital photographs being displayed in the people view ~~according to one of a plurality of views~~, the portion of the assigned user-generated digital tags including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs ~~based on the one of the plurality of views~~;

in response to the user clicking on a first digital photograph of a first person displayed in the people view, displaying, on the display device, a people profile view for the first person including (i) a profile picture of the first person, (ii) birth information for the first person, (iii) family relationships for the first person, and (iv) one or more clickable links to other ones of the plurality of views that include one or more digital photographs of the first person;

in response to the user clicking on a displayed number of digital photographs associated with the first person displayed in the people view, ~~one of the user-generated digital tags displayed along with one of the displayed digital photographs, (i) conducting a second search of the file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii)~~ displaying all of the digital photographs in the digital file repository associated with the first person ~~clicked one of the user-generated digital tags~~; and

exporting from the web-based proprietary digital photograph system, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different web-based digital

photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different web-based digital photograph system along with the associated user-generated digital tags.

9. (Canceled)

10. (Original) The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. (Original) The method of claim 8, further comprising the step of linking a recipe to a user.

12-21. (Canceled)

22. (Previously Presented) The system of claim 1, wherein the digital tagging system is configured to assign one of the user-generated digital tags to a plurality of the digital photographs at once.

23. (Previously Presented) The system of claim 1, wherein the system is configured to display a recipe view using the user interface, the recipe view including one or more of the digital photographs assigned with a user-generated digital tag including recipe data, a first one of the one or more of the digital photographs being a digital photograph of a hand written recipe and a second one of the one or more of the digital photographs being a digital photograph of a chef of the recipe.

24. (Canceled)

25. (Previously Presented) The method of claim 8, wherein the user-generated digital tags are in an EXIF format.

26. (Previously Presented) The method of claim 8, wherein the enabling includes enabling the user to assign one or more of the user-generated digital tags to a plurality of selected digital photographs at once.

27. (Canceled)

28. (Currently Amended) A computer-implemented method of storing and sharing digital photographs using a digital photograph system, the method comprising:

storing digital photographs in a file repository from which the digital photographs can be retrieved via the Internet, the digital photographs in the file repository being configured to be displayed, on a display device, in ~~one or more of~~ a plurality of views, the plurality of views including a gallery view, an album view, a location

view, a people view, a people profile view, a family tree view, and a timeline view~~, a recipe view, or any combination thereof~~;

associating a plurality of user-generated digital tags of arbitrary lengths having different tag types with a first portion of the stored digital photographs in response to user inputs such that a second portion of the stored digital photographs is not associated with the plurality of user-generated digital tags, and embedding such user-generated digital tags in the first portion of the stored digital photographs in a non-proprietary file format;

receiving a user input to display, on the display device, one or more of the digital photographs stored in the file repository in the people view ~~conducting a first search of the file repository for digital photographs based on one or more of the user-generated digital tags~~;

in response to the receiving the user input ~~conducting of the first search~~, (i) retrieving digital photographs from the file repository ~~that are associated with the one or more of the user-generated digital tags~~ and (ii) auto-populating the display device based on one or more of the user-generated digital tags such that ~~displaying~~ the retrieved digital photographs are displayed on the display device along with a portion of the assigned user-generated digital tags associated with each of the displayed digital photographs retrieved from the file repository, the displayed digital photographs being displayed in [[a]] the people ~~first one of the plurality of~~ view[[s]], the portion of the assigned user-generated digital tags including some, but not all, of the user-generated digital tags associated with each of the displayed digital photographs; [[and]]

in response to the user clicking on a first digital photograph of a first person displayed in the people view, displaying, on the display device, a people profile view for the first person including (i) a profile picture of the first person, (ii) birth information for the first person, (iii) family relationships for the first person, and (iv) one or more clickable links to other ones of the plurality of views that include one or more digital photographs of the first person; and

in response to the user clicking on a displayed number of digital photographs associated with the first person displayed in the people view, ~~one of the user-generated~~

~~digital tags displayed along with one of the displayed digital photographs, (i) conducting a second search of the file repository for digital photographs based on the clicked one of the user-generated digital tags and (ii)~~ displaying all of the digital photographs in the digital file repository associated with the first person ~~clicked one of the user-generated digital tags in a second one of the plurality of views~~.

29. (Currently Amended) The method of claim 28, wherein the portion of the assigned user-generated digital tags is determined based on the people ~~first one of the plurality of~~ view[[s]].

30. (Previously Presented) The method of claim 28, further comprising exporting from the digital photograph system, in the non-proprietary file format, one or more of the digital photographs including the associated embedded user-generated digital tags to a different digital photograph system without losing the associated user-generated digital tags, so that the exported digital photographs can be viewed in the different digital photograph system along with the associated user-generated digital tags.

31. (Canceled)

32. (Currently Amended) The method of claim 28, further comprising in response to a user selection of a no-people-tag criterion, displaying, on the display device, all of the digital photographs in the digital file repository that are not associated with a person tag type ~~any of the plurality of user-generated digital tags~~.

33. (New) The method of claim 28, further comprising in response to a user selection of a no-date-tag criterion, displaying, on the display device, all of the digital photographs in the digital file repository that are not associated with a date tag type.

34. (New) The method of claim 28, further comprising in response to a user selection of a no-location-tag criterion, displaying, on the display device, all of the digital photographs in the digital file repository that are not associated with a location tag type.

REMARKS

Claims 1, 3-6, 8, 10-11, and 22-32 are pending in the present application after entry of the amendments in Applicants' Response filed on March 2, 2015. Currently in this Supplemental Response, claims 1, 8, 28, 29, and 32 are amended. Claims 24, 27, and 31 are canceled. New claims 33-34 are added. No new matter is entered. After entering this amendment, claims 1, 3-6, 8, 10-11, 22-23, 25-26, 28-30, and 32-34 will be pending for prosecution.

Interview Summary

Applicants' representative (Bradley Taub) thanks Examiner Hicks for the interviews conducted on March 31, 2015 and on April 6, 2015. During the interviews, Applicants' representative and the Examiner discussed the Office Action Mailed on December 5, 2014, Applicants' Response thereto filed on March 2, 2015, and potential claim amendments in addition to those contained in Applicants' March 2, 2015 Response. For reasons unrelated to patentability and to advance prosecution, Applicants' representative proposed to amend independent claims 1, 8, and 28 to further clarify. Applicants' representative indicated that a Supplemental Response would be filed including such amendments.

CONCLUSION

It is the Applicants' belief that all of the claims are in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

It is believed that no fees are due in connection with the filing of this Supplemental Response. However, should any fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 50-4181/069366-000002USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

Date: April 6, 2015

By: /Bradley M. Taub, Reg. No. 67,300/

Bradley M. Taub
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(866) 513-5365 – Direct Facsimile

ATTORNEYS FOR APPLICANTS

Electronic Acknowledgement Receipt

EFS ID:	21982270
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	06-APR-2015
Filing Date:	09-JUN-2011
Time Stamp:	17:20:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	069366-2USPT_Supplemental_Response.pdf	93165 dcb2044e2d36f956e746179570fdae1b6b7d6f78	no	10

Warnings:	
Information:	

Total Files Size (in bytes):	93165

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☒ To be Mailed
13/157,214	06/09/2011	

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT **04/06/2015**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
/NICHELE PETERSON/

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

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

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NOTICE OF ALLOWANCE AND FEE(S) DUE

70001 7590 05/20/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER
HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 05/20/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

TITLE OF INVENTION: METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/20/2015

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 DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). 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. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

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 (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 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: Use Block 1 for any change of address)

70001 7590 05/20/2015
NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

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 (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

TITLE OF INVENTION: METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/20/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
HICKS, MICHAEL J	2165	707-706000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "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 _____
2 _____
3 _____

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. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. 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

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29
  NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27
  NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status.
  NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

Petitioner Apple Inc. - Ex. 1015, p. 435

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 05/20/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 05/20/2015

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

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B 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, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. 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.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 13/157,214	Applicant(s) DESMOND ET AL.	
	Examiner MICHAEL HICKS	Art Unit 2165	AIA (First Inventor to File) Status No

-- 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 *04/06/2015*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *1, 3-6, 8, 10-11, 22-23, 25-26, 28-30, and 32-34*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   Certified copies:

   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. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ 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).
6. ☐ 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. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☐ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

2. Claims 1, 3-6, 8, 10-11, 22-23, 25-26, 28-30, and 32-34 Pending.

Claims 2, 7, 9, 12-21, 24, 27, and 31 Canceled.

Response to Arguments

3. Applicant's arguments, see response and amendment, filed 04/06/2015, with respect to the rejection of the pending claims have been fully considered and are persuasive. The rejection of the pending claims has been withdrawn.

Allowable Subject Matter

4. Claims 1, 3-6, 8, 10-11, 22-23, 25-26, 28-30, and 32-34 allowed.

5. The following is an examiner's statement of reasons for allowance:

Examiner notes that while the prior art of record has been show to disclose many systems which may be used to stored, organize, tag, search, and display images wherein the searching and display is based upon the tags, the prior art of record fails to disclose such as system which includes a plurality of views which includes at least a gallery view, an album view, a location view, a people view, a people profile view, a family tree view, and a timeline view, and wherein the behavior associated with the

people view is such that when a number associated with the people view is clicked, the system responds by displaying all images associated with the person that is associated with he number within the people view, and when a photograph displayed in the people view is clicked the system responds by displaying a people profile view for the person associated with the clicked photograph wherein the people profile view includes a profile picture, birth information, and family relationships for the person associated with the clicked photograph as well as links to other views of the plurality of views that include one or more digital photographs of the person associated with the clicked photograph in combination with all other intervening claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

References of Note

6. Examiner notes that references U, V, W, and X included in the attached form PTO-892 have been noted for relevance to the subject matter of the instant Application, however have not been cited in a rejection of the claims.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 9:00a - 5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Hicks/
Primary Examiner
Art Unit 2165
Email: michael.hicks2@uspto.gov
Phone: (571) 272-2670
Fax: (571) 273-2670

Notice of References Cited	Application/Control No. 13/157,214	Applicant(s)/Patent Under Reexamination DESMOND ET AL.	
	Examiner MICHAEL HICKS	Art Unit 2165	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	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	Yee et al., "Faceted Metadata for Image Search and Browsing", CHI 2003, Pages 401-408, 2003, ACM
	V	Ferre, "CAMELIS: Organizing and Browsing a Personal Photo Collection with a Logical Information System", Int. Conf. Concept Lattices and Their Applications, Pages 112-123, 2007, HAL
	W	Tomasson et al., "PhotoCube: Effective and Efficient Multi-Dimensional Browsing of Personal Photo Collections", ICMR '11, 2011, ACM
	X	Bartolini et al., "Integrating Semantic and Visual Facets for Browsing Digital Photo Collections", SBED, Pages 65-72, 2009

*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.

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

BIB DATA SHEET

CONFIRMATION NO. 6707

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
13/157,214	06/09/2011	707	2165	069366-000002USPT

APPLICANTS

INVENTORS

Christopher Desmond, Glen Ellyn, IL;
Nancy Desmond, Glen Ellyn, IL;

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

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
06/20/2011

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☑ Yes ☐ No Verified and Acknowledged /MICHAEL J HICKS/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		IL	10	~~20~~ 18	3

ADDRESS

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613
UNITED STATES

TITLE

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

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

Google online photo sharing tag view family tree

Scholar About 21,400 results (0.14 sec)

Collocated **photo sharing**, story-telling, and the performance of self
NA Van House - International Journal of Human-Computer Studies, 2009 - Elsevier
... For example, on a recent plane trip I told a stranger that I am interested in **photography** (without describing ... For the Flickr users (that is, the third and fourth groups), we viewed their public **online** photos before interviews ... In our home-visit interviews, we saw many **photo** albums. ...
Cited by 83 Related articles All 4 versions Cite Save

Give and take: a study of consumer **photo-sharing** culture and practice [PDF] from andrewmiller.net
AD Miller, WK Edwards - Proceedings of the SIGCHI conference on ..., 2007 - dl.acm.org
... there's certain events I don't want her to." P1: "I just put [a **photo**] up there ... P1 valued "The sense of community in Flickr and learning more about **photography** vs. just **sharing**, just putting snapshots **online**." Snaprs tended to take more 'artsy' photos and correspondingly tended to ...
Cited by 235 Related articles All 13 versions Cite Save

Over-exposed?: privacy patterns and considerations in **online** and mobile **photo sharing** [PDF] from rahulnair.net
S Ahern, D Eckles, NS Good, S King... - Proceedings of the ..., 2007 - dl.acm.org
... DISCUSSION Our interviews surfaced several concerns and considerations for users who upload and **share** photos **online** ... CHI 2007 Proceedings • **Photo Sharing** ... And if I was, I wouldn't be taking pictures and putting them **online**." For most users, the fact that their location **history** ...
Cited by 174 Related articles All 9 versions Cite Save

Why do people **tag**?: motivations for **photo tagging**
O Nov, C Ye - Communications of the ACM, 2010 - dl.acm.org
... this gap, by studying the strength of relationships between several motivations and users' **tagging** levels on Flickr, a prominent Web 2.0 **photo sharing** community. ... To understand what underlies **tagging**, we need to find out what motivates **sharing** in **online** environments, and in ...
Cited by 53 Related articles All 2 versions Cite Save

[PDF] Motivating annotation for personal digital **photo** libraries: Lowering barriers while raising incentives [PDF] from umd.edu
J Kustanowitz, B Shneiderman - Univ. of Maryland Technical Report ..., 2005 - cs.umd.edu
... They also allow the addition of free- text captions, which while useful for **online** albums, can be ... of pictures of an infant taken at regular intervals, and assembled for **sharing** with friends ... With some additional "quality of **photo**" annotations, the best photos could be filtered out and a ...
Cited by 35 Related articles All 4 versions Cite Save More

Everyday creativity as civic engagement: A cultural citizenship **view** of new media [PDF] from qut.edu.au
JE Burgess, M Foth, HG Klaebe - 2006 - eprints.qut.edu.au
... (2006) Therefore, flickr is an **online** 'photo-**sharing** community' whose functions and cultural ... transformative effects on both **photography** as creative practice and vernacular creativity as a ...
Notley, Tanya & Tacchi, Jo (2005) '**Online** Youth Networks: Researching the Experience of ...
Cited by 82 Related articles All 10 versions Cite Save

Exploring communication and **sharing** between extended **families** [PDF] from washington.edu

K Tee, AJB Brush, KM Inkpen - International Journal of Human-Computer ..., 2009 - Elsevier
... in our study, M 3 , used IM but only to tell when her dad was **online** (ie, home) so ... The one participant that did **share** photos on a daily basis had a web blog that he updated ... While we saw other forms of **photo sharing** such as through IM or cell phones, these methods were not ...
Cited by 77 Related articles All 6 versions Cite Save

CaraClock: an interactive **photo** viewer designed for **family** memories

D Uriu, N Shiratori, S Hashimoto, S Ishibashi... - CHI'09 Extended ..., 2009 - dl.acm.org
... Keywords **photography**, memory, **family**, annotation, **tagging**, Bayesian Networks, interaction design, participation design ... "Why We **Tag**: Motivations for Annotation in Mobile and **Online** Media." Proceedings ... WK "Give and Take: A Study of Consumer **Photo-Sharing** Culture and ...
Cited by 9 Related articles Cite Save

Flickr **tag** recommendation based on collective knowledge

[PDF] from 221.226.47.232

B Sigurbjörnsson, R Van Zwol - ... of the 17th international conference on ..., 2008 - dl.acm.org
... ABSTRACT **Online photo** services such as Flickr and Zooomr allow users to **share** their photos ... 3.1 Flickr **Photo** Collection Flickr is an **online photo-sharing** service that contains hun- dreds of millions of ... To help them in their task, the assessors were presented the **photo**, title, tags ...
Cited by 761 Related articles All 20 versions Cite Save

Analysis of participation in an **online photo sharing** community: A multidimensional perspective

[PDF] from stanford.edu

O Nov, M Naaman, C Ye - Journal of the American Society for ..., 2010 - Wiley Online Library
... Specifically, with the recent trends of social media and digital **photography**, there is a ... Prior research on motivations for **sharing** information goods **online** suggests that commitment to the ... 2005), open-content projects (eg, Bryant et al., 2005) and **photo-sharing** communities (Nov ...
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Petitioner Apple Inc. - Ex. 1015, p. 445

[PDF] 10 Things Genealogy Software Should Do [PDF] from psu.edu
M Tucker - Family History Technology Workshop, Provo, UT: ..., 2008 - Citeseer
... A similar timeline is available when viewing **photos** by Import Batch. ... When downloading a document from an **online** database, the metadata could include this classification as original or ... Because the original is likely not in a digital format, then the **Image** Copy is one generation ...
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Method and application for managing digital files
C Desmond, N Desmond - US Patent App. 13/157,214, 2011 - Google Patents
... 1, *, Ames et al., "Why we **tag**: motivations for annotation in mobile and **online** media", CHI '07 Proceedings of the SIGCHI Conference on ... 3, *, Miller et al., "Give and take: a study of consumer **photo**-sharing culture and practice", CHI '07 Proceedings of the ... Rotate. Original **Image**. ...
Related articles

photo tagging view search filter "family tree"

Method and apparatus for managing digital files
C Desmond, N Desmond - US Patent App. 14/193,426, 2014 - Google Patents
... recipe may show a digital copy of the original handwritten recipe, a **photo** of the ... Application (also called "MemoryWeb Application" or "System")—The Application is an **online** program constructed using ... indicators that can reside near a file's **image** or overlaid on the file's **image**. ...
All 2 versions Cite Save

[HTML] An Arabidopsis protein closely related to Synechocystis cryptochrome is targeted to organelles [HTML] from wiley.com
T Kleine, P Lockhart, A Batschauer - The Plant Journal, 2003 - Wiley **Online** Library
... Issue published **online**: 30 JUN 2003; Article first published **online**: 30 MAY 2003; Received 21 March 2003; accepted 31 March 2003. ... To determine whether At-CRY3 also binds flavin, we expressed it as a 6xHis-**tagged** fusion in Escherichia coli cells to obtain sufficient ... **image** ...
Cited by 158 Related articles All 5 versions Cite Save

Intellectual property **search**, marketing and licensing connection system and method
P Ratcliffe, C Sorice, S Walk - US Patent App. 11/808,357, 2007 - Google Patents
... of the present invention, save the **search** query and the results, as well as download the relevant documents into an **online** folder. ... While **image tagging** is known, in systems such as flickr.com and riya.com, this invention would allow free association to a **tag** reference table ...
Cited by 17 Related articles All 2 versions Cite Save

Group Interaction around Common **Online** Content
MS Knysz, D Starin, C Bendixen - US Patent App. 13/550,380, 2012 - Google Patents
... The present disclosure relates to group interaction around common **online** content ... content can be selected from the group consisting of a video file, a document file, an **image** file, an ... the group leader are unable to scroll to different desired sections of the webpage to **view** content ...
Cited by 8 Related articles All 2 versions Cite Save

[PDF] Identity Annotation in **Photo** Collections: A Survey [PDF] from illinois.edu
LR Varshney - 2008 - ifp.illinois.edu
... whereas many would not, some people expend effort in creat- ing fancy **online photo** albums whereas ... at least one person has been selected as being depicted in the **photo**, an additional ... with each other in real-world conversations (as opposed to in **image** annotations), and ...
Cited by 1 Related articles Cite Save More

Online identity: Giving it all away?
SM Furnell - Information Security Technical Report, 2010 - Elsevier
... Neither **photo** included any headshot, and so all that the invitees would have seen would have been ... Full-size **image** (38 K) Full-size **image** (38 K) Fig. 2. ... to retrospectively restore privacy can be frustrated by the persistence and sheer accessibility of **online** information; indeed ...
Related articles All 2 versions Cite Save

Method and systems for managing social networks
T Kishimoto, M Chang, AL Lawton ... - US Patent App. 12/ ..., 2010 - Google Patents
... share the **photo** or video with the plurality of contacts on the social networking ... embodiments, user terminals 121-123 may access, via Internet 110, various **online** social networking ... may store a content repository having thereon various **tagged** data, metadata, **image** files, video ...
Cited by 7 Related articles All 2 versions Cite Save

Learning to cluster web **search** results [PDF] from pku.edu.cn
HJ Zeng, QC He, Z Chen, WY Ma, J Ma - Proceedings of the 27th annual ..., 2004 - dl.acm.org
... documents is time-consuming; the clustering algorithm should be fast enough for **online** calculation; and ... Animals/jaguar.html 3. ThinkQuest -- The Wild Habitat, Jaguar Along with a **photo** of this ... Here we store each manually **tagged** phrase as a sequence of word stems, with stop ...
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Google photo tagging view search filter "family tree"

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The Family Video Archive: an annotation and browsing environment for home movies

GD Abowd, M Gauger, A Lachenmann - Proceedings of the 5th ACM ..., 2003 - dl.acm.org

... Unlike a stack of **photos**, a collection of home movies is not easily browsed. ... 9. REFERENCES 1. Bederson, BB PhotoMesa: A Zoomable **Image** Browser using Quantum Treemaps ... Visualization Methods for Personal **Photo** Collections: Browsing and **Searching** in the PhotoFinder ...

Cited by 87 Related articles All 6 versions Cite Save

Photocube: Effective and efficient multi-dimensional browsing of personal **photo** collections [PDF] from researchgate.net

G Tómasson, H Sigurbórsson, BÞ Jónsson... - Proceedings of the 1st ..., 2011 - dl.acm.org

... The first **photo** collection will be a set of about 1,500 **photos** from a well-known nature trail in ... PhotoMesa: A zoomable **image** browser using quantum treemaps and bubblemaps. ... Visualization methods for personal **photo** collections: Browsing and **searching** in the PhotoFinder. ...

Cited by 7 Related articles All 4 versions Cite Save

System, method and computer program product for catching, marking, managing and **searching** content

K Sigurjonsson, T Thorsteinsson... - US Patent App. 09/ ..., 2001 - Google Patents

... [0050] If the **tag** "Fruit" is only removed from a certain **photo**/file (but the **tag** is still ... [0053] Thus, for example, it can be easy to find all holiday **photos** of certain family members and **photos** of special occasions. ... [0082] Fixer 110 can be used to edit **image** files, including, eg resizing ...

Cited by 18 Related articles All 2 versions Cite Save

Multi-indexed relationship media organization system

D Huang - US Patent App. 10/299,321, 2002 - Google Patents

... [0005] There are a number of products on the market today for digital **photo** management, such as iPhoto of Apple Computers, Inc. ... [0036] **Search** by People: **Search photos** or video clips of a person ... [0069]112 Determine file Type (Audio, **Image** or Video). [0070]114 Find file Data. ...

Cited by 61 Related articles All 2 versions Cite Save

Intellectual property **search**, marketing and licensing connection system and method

P Ratcliffe, C Sorice, S Walk - US Patent App. 11/808,357, 2007 - Google Patents

... Images can also be **tagged** with words and/or phrases that would be stored in methods consistent with the above, where relating to ... While **image tagging** is known, in systems such as flickr.com and riya.com, this invention would allow free association to a **tag** reference table ...

Cited by 17 Related articles All 2 versions Cite Save

Method and system for processing background and item data for photographic files

BY Lee - US Patent App. 10/904,117, 2004 - Google Patents

... is uniquely identified in the said table by a serial number known as **photo** number. ... US7813557, Jan 26, 2006, Oct 12, 2010, Adobe Systems Incorporated, **Tagging** detected objects. ... Jul 12, 2011, Adobe Systems Incorporated, Indicating a correspondence between an **image** and an ...

Cited by 10 Related articles All 2 versions Cite Save

[PDF] Identity Annotation in **Photo** Collections: A Survey [PDF] from illinois.edu

LR Varshney - 2008 - ifp.illinois.edu

... With the advent of online **photography** communities, such as Flickr, the traditional personal organization and ... least one person has been selected as being depicted in the **photo**, an additional ... with each other in real-world conversations (as opposed to in **image** annotations), and ...

Cited by 1 Related articles Cite Save More

[PDF] 10 Things Genealogy Software Should Do [PDF] from psu.edu

M Tucker - Family History Technology Workshop, Provo, UT: ..., 2006 - Citeseer

... A similar timeline is available when **viewing photos** by Import Batch ... Because the original is likely not in a digital format, then the **Image** Copy is one generation from the original and the ... A treemap is great when you want to be able to get a big **picture** of how things relate and then ...

Cited by 1 Related articles All 4 versions Cite Save More

An evolutionary scenario for the origin of flowers [PDF] from inra.fr

MW Frohlich - Nature Reviews Genetics, 2003 - nature.com

... If you require assistance to access this **image**, or to obtain a text description, please ... of recent studies, especially those that include many genes, converge on a similar **picture** of phylogenetic ... Identification of 4370 expressed sequence **tags** from a 3'-end-specific cDNA library of ...

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Method and application for managing digital files

C Desmond, N Desmond - US Patent App. 13/157,214, 2011 - Google Patents

... Prior to the invention of digital **photography**, people tended to share **photos** by displaying printed copies in frames and albums or would ... 3, *, Miller et al., "Give and take: a study of consumer **photo**-sharing culture and practice", CHI '07 Proceedings of the ... Rotate. Original **Image**. ...

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	13157214	DESMOND ET AL.
	Examiner	Art Unit
	MICHAEL HICKS	2165

CPC- SEARCHED		
Symbol	Date	Examiner
G06F 17/30268, 3028, 30946, 30998, 30997 (Limited Text)	11/21/2013	mjh

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
707	706, 736 (Limited Text)	11/13/2012	mjh

SEARCH NOTES		
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Inventor Name Search	11/13/2012	mjh
Double Patenting Search	11/13/2012	mjh
East Search (See Attached)	11/13/2012	mjh
NPL Search (See Attached)	11/13/2012	mjh
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Review of Previously Identified Art	11/18/2014	mjh
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Review of Previously Identified Art	4/16/2015	mjh

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INTERFERENCE SEARCH			
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G06F 17/	30268, 3028, 30946, 30998, 30997 (Limited Text)	4/16/2015	mjh
707	706, 736 (Limited Text)	4/16/2015	mjh

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	13157214	DESMOND ET AL.
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	MICHAEL HICKS	2165

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G06F		17	/	30268		F	2013-01-01
G06F		17	/	30997		I	2013-01-01
G06F		17	/	3028		I	2013-01-01
G06F		17	/	30946		I	2013-01-01
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NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	18	
/MICHAEL HICKS/ Primary Examiner.Art Unit 2165	04/16/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	6,7

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US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION	
CLASS	SUBCLASS	CLAIMED	NON-CLAIMED
707	706	G 0 6 F 7 / 00 (2006.01.01)	
		G 0 6 F 17 / 30 (2006.01.01)	

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
707	736				

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	18	
/MICHAEL HICKS/ Primary Examiner.Art Unit 2165	04/16/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	6,7

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	-	17	17	33										
-	2	-	18	18	34										
2	3	-	19												
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-	12	13	28												
-	13	14	29												
-	14	15	30												
-	15	-	31												
-	16	16	32												

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 18	
/MICHAEL HICKS/ Primary Examiner.Art Unit 2165 (Primary Examiner)	04/16/2015 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 6,7

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
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✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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1	1	✓	✓	✓	✓	✓	=			
-	2	✓	✓	✓	✓	-	=			
2	3	✓	✓	✓	✓	✓	-			
3	4	✓	✓	✓	✓	✓	=			
4	5	✓	✓	✓	✓	✓	=			
5	6	✓	✓	✓	✓	✓	=			
-	7	✓	✓	✓	✓	-	-			
8	8	✓	✓	✓	✓	✓	=			
-	9	✓	✓	✓	✓	-	-			
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17	33						=			
18	34						=			

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L11	12144	desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L12	7	desmond.in. tag$3 (family same tree$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L13	3	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L14	29	desmond.in. tag$3 (photo$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L15	25036	(photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L16	255	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L17	12609	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L18	188	(707/706.ccls. or 707/736.ccls.)	US-PGPUB;	AND	OFF	2015/04/16

		(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			16:08
L19	8778	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L20	142	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L21	1017	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L22	14	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L23	208	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L24	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L25	14	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3) (export$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L26	109	"7372976"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	AND	OFF	2015/04/16 16:08

			IBM_TDB			
L27	1372	G06F ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L28	0	G06F same ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L29	96	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L30	3	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L31	1	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L32	16	G06F ("30268")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L33	6	G06F ("30268") (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L34	2774	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L35	490	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or	US-PGPUB; USPAT; USOCR; FPRS; EPO;	AND	OFF	2015/04/16 16:08

		G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4))	JPO; DERWENT; IBM_TDB			
L36	8	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L37	4	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L38	629	G06F17/30268.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L39	241	G06F17/30268.cpc. (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
L40	2	"20070282908"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2015/04/16 16:08
S1	4096	desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:01
S2	4	desmond.in. tag$3 (family same tree$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:02
S3	1	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:03

S4	18	desmond.in. tag$3 (photo$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:04
S5	17135	(photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:05
S6	78	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:05
S7	8252	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:06
S8	54	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:06
S9	5781	(photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:06
S10	44	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:07
S11	550	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:07
S12	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	AND	OFF	2012/11/13 21:07

		(tag$4 or annotat$4)))	DERWENT; IBM_TDB			
S13	154	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:08
S14	0	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:09
S15	3	(digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3) (export$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2012/11/13 21:09
S16	89	"7372976"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/03/13 17:17
S17	1038	G06F ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:14
S18	0	G06F same ("30268" or "3028" or "30997" or "30998" or "30946")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:21
S19	89	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:22
S20	3	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:22
S21	1	G06F ("30268" or "3028" or "30997" or "30998" or "30946") ((photo$5 or imag$4) same (tag$4 or annotat$4)	US-PGPUB; USPAT; USOCR;	AND	OFF	2013/11/21 15:22

		same embed$4) (search$4 same sort$4 same interfac$3)	FPRS; EPO; JPO; DERWENT; IBM_TDB			
S22	14	G06F ("30268")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:24
S23	6	G06F ("30268") (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2013/11/21 15:25
S24	2025	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S25	321	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S26	6	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4)) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S27	4	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S28	334	G06F17/30268.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/04/29 16:56
S29	124	G06F17/30268.cpc. (imag$4 tag$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	AND	OFF	2014/04/29 16:57

			IBM_TDB			
S30	2	"20070282908"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	AND	OFF	2014/11/18 14:03

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3	(707/706.ccls. or 707/736.ccls.) desmond.in.	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L2	243	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4))	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L3	183	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3))	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L4	142	(707/706.ccls. or 707/736.ccls.) (photo$5 same (tag$4 or annotat$4)) (digital$4 same (repositor$4 or database$3 or system$3)) (relationship$3 or organization$3 or geneolog$4)	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L5	14	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4)))	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L6	2	(707/706.ccls. or 707/736.ccls.) (digital$4 same (repositor$4 or database$3 or system$3)) ((relationship$3 or organization$3 or geneolog$4) same (photo$5 same (tag$4 or annotat$4))) (recip$3)	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L7	1313	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.)	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L8	387	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4))	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L9	4	(G06F17/30268.cpc. or G06F17/3028.cpc or G06F17/30997.cpc. or G06F17/30998.cpc. or G06F17/30946.cpc.) ((photo$5 or imag$4) same (tag$4 or annotat$4) same embed$4) (search$4 same sort$4 same interfac$3)	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08
L10	170	G06F17/30268.cpc. (imag$4 tag$4)	US-PGPUB; USPAT; UPAD	AND	OFF	2015/04/16 16:08

4/16/2015 4:25:06 PM

C:\ Users\ mhicks1\ Documents\ EAST\ Workspaces\ 13157214.wsp

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.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 06/08/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
06/08/2015	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketingchicago@nixonpeabody.com

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

Application No. : 13157214
Applicant : Desmond
Filing Date : 06/09/2011
Date Mailed : 06/08/2015

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given two (2) months from the mail date of this Notice within which to respond. This time period for reply is extendable under 37 CFR 1.136(a) for only TWO additional MONTHS.

The informalities requiring correction are indicated in the attachment(s). If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to respond within the above-identified time period will result in the application being ABANDONED.

See attachment(s).

A copy of this notice MUST be returned with the reply. Please address response to "Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".

/Shirley Winslow/
Publication Branch
Office of Data Management
(571) 272-4200

Application No. 13157214

SPECIFICATION NOT IN COMPLIANCE WITH 37 CFR 1.52(b)(5)

The pages of the specification have not been numbered. Per 37 CFR 1.52(b)(5), "the pages of the specification including claims and abstract must be numbered consecutively, beginning with 1, the numbers being centrally located above or preferably below, the text." In response to this notice, the applicant must submit a substitute specification in which the pages are so numbered.

NOTE: Although 37 CFR 1.52(b)(5) refers to page numbering for "the specification including claims and abstract," any abstract or claims submitted in response to this notice will not be entered. Only the substitute specification, and any amendment thereto entered during prosecution, will be entered.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	13/157,214
Confirmation No.	:	6707
Applicants	:	Christopher J. Desmond *et al.*
Filed	:	June 9, 2011
Title	:	Method And Application For Managing Digital Files
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Docket No.	:	069366-000002USPT
Customer No.	:	70001

REQUEST FOR CORRECTION OF INVENTORSHIP PURSUANT TO 35 U.S.C. § 116 and 37 C.F.R. § 1.48

Mail Stop Amendment – Via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

It is respectfully requested, under the provisions of 35 U.S.C. § 116 and 37 C.F.R. § 1.48, that the Inventorship be corrected to add the name of one inventor, L. MICHAEL TAYLOR, as the third inventor, and further to add the middle initials for the first named inventor and the second named inventor. Specifically, it is requested to add the middle initial "J." for the first named inventor Christopher J. Desmond and to add the middle initial "L." for the second named inventor Nancy L. Desmond. This request is accompanied by a Supplemental Application Data Sheet in accordance with 37 C.F.R. § 1.76 that identifies each inventor by his or her legal name and a Declaration signed by all three inventors (i.e., Christopher J. Desmond, Nancy L. Desmond, and L. Michael Taylor) as required by 37 C.F.R. § 1.63.

The processing fee of $70.00 (in accordance with 37 C.F.R. § 1.17(i)) and the fee of $300.00 set forth in 37 C.F.R. § 1.17(d) for submitting this request (to add an inventor) after an Office Action on the merits is being paid upon filing of the current request via the deposit account listed below. It is believed that no other fees are due; however, should any additional fees be required (except for payment of the issue fee), the Director is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 069366-000002USPT.

Petitioner Apple Inc. - Ex. 1015, p. 468

Respectfully submitted,

Date: June 9, 2015

By: /Bradley M. Taub, Reg. No. 67,300/

Bradley M. Taub
Reg. No. 67,300
Nixon Peabody LLP
300 S. Riverside Drive, 16th Floor
Chicago, Illinois 60606
(312) 425-8563 Direct Phone

Attorney for Applicants

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	13/157,214
Confirmation No.	:	6707
Applicants	:	Christopher J. Desmond *et al.*
Filed	:	June 9, 2011
Title	:	Method And Application For Managing Digital Files
TC/A.U.	:	2165
Examiner	:	Michael J. Hicks
Docket No.	:	069366-000002USPT
Customer No.	:	70001

REQUEST FOR CORRECTED FILING RECEIPT

Via EFS
Commissioner for Patents
Alexandria, Virginia 22313-1450

Dear Commissioner:

Applicants submit herewith a Request for Corrected Filing Receipt to update the filing receipt to reflect the inventorship changes requested in the concurrently filed Request for Correction of Inventorship. The changes are summarized below:

Change In	Filing Receipt Data	Updated Data
Applicant(s)	Christopher Desmond, Glen Ellyn, IL; Nancy Desmond, Glen Ellyn, IL;	Christopher J. Desmond, Glen Ellyn, IL; Nancy L. Desmond, Glen Ellyn, IL; L. Michael Taylor, Chicago, IL

Applicants submit herewith a Supplemental Application Data Sheet, correcting the deficiency noted, specifically the addition of middle initials for Inventors/Applicants 1 and 2 and the addition of Inventor/Applicant 3 summarized above (underlining showing additions). Applicants also submit herewith a Declaration signed by the three Inventors/Applicants with the above deficiencies corrected. As such, a corrected filing receipt is respectfully requested.

It is believed that no fees are due in connection with this Request for Corrected Filing Receipt; however, should any fees be required (except for payment of the issue fee), the Director is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 069366-000002USPT.

Respectfully submitted,

Date: June 9, 2015

By: /Bradley M. Taub, Reg. No. 67,300/

Bradley M. Taub
Reg. No. 67,300
Nixon Peabody LLP
300 S. Riverside Drive, 16th Floor
Chicago, Illinois 60606
(312) 425-8563 Direct Phone

Attorneys for Applicants

Petitioner Apple Inc. - Ex. 1015, p. 471

RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)
DECLARATION AND POWER OF ATTORNEY

FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"METHOD AND APPLICATION FOR MANAGING DIGITAL FILES"** the specification of which:

____ (a) is attached hereto.

__X__ (b) was filed on June 9, 2011 as Application Serial No. 13/157,214 and was amended on _____ (if applicable)

____ (c) was filed as PCT International Application No. PCT/_____ on _____ and was amended on _____ (if applicable).

____ (d) was filed on _____ as Application Serial No. _____ and was issued a Notice of Allowance on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, 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 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 and/or § 365 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 filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

PRIOR FOREIGN PATENTS

Number	Country	Month/Day /Year Filed	Date first laid-open or Published	Date patented or Granted	Priority Claimed
					NONE

Petitioner Apple Inc. - Ex. 1015, p. 472

I hereby claim the benefit under 35 U.S.C. § 119(e), § 120 and/or § 365 of any United States application(s) listed below and PCT international applications listed above or below:

PRIOR U.S. OR PCT APPLICATIONS

(Application Serial No.)	(Filing Date)	(Status)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATIONS

(Application Serial No.)	(Filing Date)	(Status)

I hereby appoint:

all practitioners at customer number 70001.

Please address all correspondence to the address associated with customer number 70001.

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.

Petitioner Apple Inc. - Ex. 1015, p. 473

INVENTOR 1

	Christopher J. Desmond		May 26, 2015
	Full Name	**Inventor's Signature**	**Date**
	980 Oxford Rd. Glen Ellyn, IL 60137	United States	
	Residence (city, state, country)	**Citizenship**	
	same		
	Post Office Address (include zip code)		

Petitioner Apple Inc. - Ex. 1015, p. 474

INVENTOR 2

	Nancy L. Desmond	Nancy Desmond	5/24/15
	Full Name	**Inventor's Signature**	**Date**
	980 Oxford Rd. Glen Ellyn, IL 60137	United States	
	Residence (city, state, country)	**Citizenship**	
	same		
	Post Office Address (include zip code)		

INVENTOR 3

	L. Michael Taylor		5/24/2015
	Full Name	**Inventor's Signature**	**Date**
	1036 N Wood St #1 Chicago, IL 60622	United States	
	Residence (city, state, country)	**Citizenship**	
	same		
	Post Office Address (include zip code)		

SUPPLEMENTAL

PTO/SB/14 (11-08)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	069366-000002USPT
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Christopher	J.	Desmond	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Glen Ellyn	State/Province	IL	Country of Residence	US

Citizenship under 37 CFR 1.41(b) US

Mailing Address of Applicant:

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Address 2			
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Postal Code	60137	Country	US

Applicant 2

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Nancy	L.	Desmond	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Glen Ellyn	State/Province	IL	Country of Residence	US

Citizenship under 37 CFR 1.41(b) US

Mailing Address of Applicant:

Address 1	980 Oxford Rd.		
Address 2			
City	Glen Ellyn	State/Province	IL
Postal Code	60137	Country	US

Applicant 3

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	L.	Michael	Taylor	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Chicago	State/Province	IL	Country of Residence	US

PTO/SB/14 (11-08)
Approved for use through 01/31/2014. OMB 0651-0032
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	069366-000002USPT
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

Citizenship under 37 CFR 1.41(b)	US		
Mailing Address of Applicant:			
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Address 2			
City	Chicago	**State/Province**	IL
Postal Code	60622	**Country**	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	~~91405~~ 70001		
Email Address	~~uspto@caliberip.com~~	Add Email	Remove Email

Application Information:

Title of the Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES		
Attorney Docket Number	069366-000002USPT	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	~~10~~ 19	**Suggested Figure for Publication (if any)**	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)

PTO/SB/14 (11-08)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	069366-000002USPT
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

Customer Number	~~94105~~ 70001

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

Application Number	Country	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			◯ Yes ◯ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. ☒

Organization Name	MemoryWeb, LLC		
Mailing Address Information:			
Address 1	429 Duane St.		
Address 2			
City	Glen Ellyn	**State/Province**	IL
Country	US	Postal Code	60137
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

PTO/SB/14 (11-08)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	069366-000002USPT
	Application Number	
Title of Invention	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	

Signature	/Bradley M. Taub, Reg. No. 67,300/			Date (YYYY-MM-DD)	2015-06-09
First Name	Bradley M.	Last Name	Taub	Registration Number	67300

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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.**

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Filer:	Bradley Michael Taub
Attorney Docket Number:	069366-000002USPT

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
PROCESSING FEE, EXCEPT PROV. APPLS.	2830	1	70	70
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
Correction of Inventorship on Merits	2819	1	300	300
		Total in USD ($)		**370**

Electronic Acknowledgement Receipt

EFS ID:	22573979
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	09-JUN-2015
Filing Date:	09-JUN-2011
Time Stamp:	15:16:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$370
RAM confirmation Number	1685
Deposit Account	504181
Authorized User	TAUB, BRADLEY

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

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

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

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review by the Office of Petitions	069366-002USPT_-_PetitiontoAddInventor.pdf	91320 56cbf5ed3bc407f9c13f4a227ee1ae2de2f8dcfd	no	2
Warnings:					
Information:					
2	Request for Corrected Filing Receipt	069366-002USPT_-_RequestForCorrectedFilingReceipt.pdf	77038 76d6fb2fcc4c7f4e6c4d14739d023e782ee6491a	no	2
Warnings:					
Information:					
3	Oath or Declaration filed	069366-002USPT_-_ExecutedDeclaration.pdf	3371275 80c64210389a58717fe81c413fc45b4cdb5d06d0	no	5
Warnings:					
Information:					
4	Application Data Sheet	069366-002USPT_-_SupplementalApplicationDataSheet.pdf	113027 2f455fd685cbb6a660d8a233858f4b0bafb0c6e2	no	4
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
5	Fee Worksheet (SB06)	fee-info.pdf	32383 dc33af16c6bd582d6caeaa424ac57e6a3d43aa95	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	3685043		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Christopher J. Desmond et al.	Customer No. 70001
Application No.: 13/157,214	Confirmation No.: 6707
Filed: June 9, 2011	Art Unit: 2165
For: METHOD AND APPLICATION FOR MANAGING DIGITAL FILES	Examiner: Michael J. Hicks
Attorney Docket No.: 069366-000002USPT	

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop Missing Parts – via EFS
COMMISSIONER FOR PATENTS
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Notice to File Corrected Application Papers – Notice of Allowance Mailed, mailed June 8, 2015. The shortened statutory period for response is two months from the mailing date, *i.e.*, by August 8, 2015.

The Notice states a substitute specification is required. In response, a substitute specification in compliance with 37 C.F.R. §§ 1.52, 1.121(b)(3), and 1.125 is being submitted. The substitute specification addresses the objection that the pages of the specification have not been numbered. No new matter has been added. Accordingly, the Applicants respectfully request that the substitute specification be entered.

This response is being filed using EFS-Web and a copy of the Notice to File Corrected Application Papers is attached.

No fees are believed to be due. However, should any fees be deemed necessary (except for payment of the issue fee), the Director is authorized to charge any deficiency or to credit any overpayment to Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 069366-000002USPT.

Respectfully submitted,

Dated: June 9, 2015

/Bradley M. Taub, Reg. No. 67,300/
Bradley M. Taub
Reg. No. 67,300
NIXON PEABODY LLP
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ATTORNEYS FOR APPLICANTS

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.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

70001 7590 06/08/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
06/08/2015	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketingchicago@nixonpeabody.com

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

Application No. : 13157214
Applicant : Desmond
Filing Date : 06/09/2011
Date Mailed : 06/08/2015

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given two (2) months from the mail date of this Notice within which to respond. This time period for reply is extendable under 37 CFR 1.136(a) for only TWO additional MONTHS.

The informalities requiring correction are indicated in the attachment(s). If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to respond within the above-identified time period will result in the application being ABANDONED.

See attachment(s).

A copy of this notice MUST be returned with the reply. Please address response to "Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".

/Shirley Winslow/
Publication Branch
Office of Data Management
(571) 272-4200

Application No. 13157214

SPECIFICATION NOT IN COMPLIANCE WITH 37 CFR 1.52(b)(5)

The pages of the specification have not been numbered. Per 37 CFR 1.52(b)(5), "the pages of the specification including claims and abstract must be numbered consecutively, beginning with 1, the numbers being centrally located above or preferably below, the text." In response to this notice, the applicant must submit a substitute specification in which the pages are so numbered.

NOTE: Although 37 CFR 1.52(b)(5) refers to page numbering for "the specification including claims and abstract," any abstract or claims submitted in response to this notice will not be entered. Only the substitute specification, and any amendment thereto entered during prosecution, will be entered.

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

SCOPE OF INVENTION

The present invention relates to a digital file management service. More particularly, the present invention relates to a method and application for organizing, viewing, sorting, notating, distributing, storing, sharing and archiving digital files.

BACKGROUND AND SUMMARY OF INVENTION

Prior to the invention of digital photography, people tended to share photos by displaying printed copies in frames and albums or would store them in a container in hope of preserving these assets preserved for future use or future generations. Important photos would often be inscribed on the back with significant details (people, location, and event) to preserve the memory of that particular occasion. Many people would share their memories by assembling an album that could be viewed with others. Occasionally, extra copies of special photos may have been printed for friends, relatives, etc. Film slide shows were also a popular medium for sharing photo memories.

With the evolution of digital files, there has been explosive growth in the number of individuals taking photos, making movies and gathering digital documents and in the sheer number of files people are capturing digitally. Today, virtually every personal computing device contains some kind of photo, movie or other type of digital file.

At the same time, there is little to no cost for people to store large amounts of photos in various "containers" of the modern age. Facebook, Flickr, Shutterfly and countless other social media and specialty digital files sites allow users to post and share images to a community with a frequency and ease that continues to feed the fire of the digital revolution.

What is needed to complement the widespread availability of digital files is a medium that allows people to organize, view, preserve and share these files with all the memory details captured, connected and vivified via an interactive interface. Such a solution would allow digital files, including documents, photos, videos and audio, to tell a full story now, and for generations to come.

The present disclosure relates to one or more of the following features, elements or combinations thereof. A web-based digital file storage system is disclosed. The storage system may include a digital file repository for storing and retrieving digital files, such as photos, a digital tagging system configured to assign digital tags to the digital files, a sorting system, and a user interface.

The digital tagging system may include various types of data, such as a person's name, a location, a recipe, a date, a family relationship to the user, an event name, a rating, sharing rights, file type and a document name. The sorting system can allow the digital files to be searched and sorted according to a plurality of types of data and can be used for creating and organizing special views. The user interface may be user-configurable, and can present the digital files on a user's screen based on these user inputs.

The digital file repository may be accessible over the Internet. The sorting system may provide a user with the ability to search based on a plurality of digital tags. The disclosed system may also provide a way to track relationships between users, so that a family tree can be displayed.

Recipes may also be linked to a person's name, with, for example, a video and digital copy of original hand-written recipe to create a recipe view.

Moreover, the digital files and data can be exported as a single file with the digital tagging embedded within the exported file.

In another embodiment, a method of storing digital photographs is disclosed. The method may include the steps of storing a digital photograph in a file repository, associating a plurality of digital tags having different tag types with the digital photograph, providing a search function that permits searching by a plurality of digital tag types and provides a search result, and providing a user-configurable output to display the search result. The digital tag types may include, for example, a person's name, a location, a recipe, a date, a relationship, an event name, a rating, file type and a document type. The method may include a further step of providing access to the file repository via the Internet. The method may also allow for tracking relationships between users so that a family tree can be displayed.

Additional features of the disclosure will become apparent to those skilled in the art upon consideration of the following detailed description of preferred embodiments exemplifying the best mode of carrying out the invention as presently perceived.

BRIEF DESCRIPTION OF THE DRAWINGS

The detailed description particularly refers to the accompanying figures in which:

FIG. 1 is a screenshot of an organizational functionality view of one embodiment of the disclosed system;

FIG. 2 is a screenshot of a photo detail view of one embodiment of the disclosed system;

FIG. 3 is a screenshot of a gallery view of an event or album of one embodiment of the disclosed system;

FIG. 4 is screenshot of an individual event or album view of one embodiment of the disclosed system;

FIG. 5 is a screenshot of a location view of one embodiment of the disclosed system;

FIG. 6 is a screenshot of a people thumbnail view of one embodiment of the disclosed system;

FIG. 7 is a screenshot of a people profile view of one embodiment of the disclosed system;

FIG. 8 is a screenshot of a family tree view of one embodiment of the disclosed system;

FIG. 9 is a screenshot of a timeline view of one embodiment of the disclosed system;

FIG. 10 is a screenshot of a recipe chart, according to one embodiment of the disclosed system;

FIG. 11 is a screenshot of an album chart view of one embodiment of the disclosed system;

FIG. 12 is a screenshot of an event chart view of one embodiment of the disclosed system;

FIG. 13 is a screenshot of a people chart view of one embodiment of the disclosed system;

FIG. 14 is a screenshot of a family tree chart view of one embodiment of the disclosed system;

FIG. 15 is a screenshot of a location chart view of one embodiment of the disclosed system;

FIG. 16 is a screenshot of a recipe chart view of one embodiment of the disclosed system;

FIG. 17 is a screenshot of a slideshow view of one embodiment of the disclosed system;

FIG. 18 is a screenshot of an advanced search filter view of one embodiment of the disclosed system; and

FIG. 19 is a screenshot of a homepage view of one embodiment of the disclosed system.

DETAILED DESCRIPTION OF THE DRAWINGS

The presently disclosed method and application (herein alternatively referred to as a "system") provides users with an Internet-based interactive platform to gather, organize, view, share and archive digital files using a proprietary organization system and export tagging process. As used herein, the word "tag" refers to any type of digital data that can be assigned to a file to describe some aspect of that file through a tagging process. For images, the tagging is preferably in EXIF format. For videos, documents and other file formats, any appropriate format me be used. The disclosed system allows users to create, view and share digital files, which could represent, for example, the memories a user has collected from the past and present, and could incorporate additional memories for generations to come. As outlined herein, various embodiments are disclosed that can accomplish these and other goals.

One disclosed embodiment includes an import feature. Users can import media files from users' favorite sources (e.g., computers, mobile phones, social networks, etc.). If any meta-tag information is embedded within the media (e.g., date taken and GPS coordinates), the system could automatically read and utilize it for the user. Digital files, media, meta-tags, and other data discussed herein may be saved to one or more file repositories (also referred to as a database herein).

In another aspect of the disclosed system, organizational functionality is provided. Similar to the concept of writing certain information "on the back of a photo," the system's digital tagging system and organizing feature allows a user to arrange large amounts of digital files with tags that can characterize and document the digital file(s). Digital files can be individually or group organized at the same time for many

tags including, but not limited to, a person's name, family relationships of the subjects to the user and between each other (e.g., mother/father), location, date, event, album, comments, document type (e.g., birth certificate, poetry), recipe, ranking or rating, and sharing rights. Tags can be assigned to a single file at a time, or to a plurality of files at once. For example, if a user wishes to assign the tag "grandma" to 100 photos at once, the system provides a way for a user to select all 100 photos and enter the tag only once. An example of the manner in which digital photos can be organized is presented is seen in Fig. 1.

Yet another feature is the multiple views from which a user can display his or her digital media files and their tagged attributes. Using a user interface (e.g. a keyboard, mouse, or touch screen), users can select individual files, groups of files meeting specific criteria, or all files in their account from which to create views. These views may alternately take the form of a chart. These views will be auto-populated based upon either tag information already associated with the digital file upon import or the tags assigned to the digital files by the user within the aforementioned organization functionality. Each digital file can be enlarged, from any view or chart, by clicking an information ("i") button to show an enlarged version of the digital media file with all the tags that are assigned to that digital file, as illustrated in Fig 2. In another embodiment, the user interface may be user-configurable, as discussed further herein.

The following views are shown with particularity. In Fig. 1, the gallery view allows the user to see all the digital media that are associated within a group such as an event or custom album. The gallery view for either events or albums is illustrated in Fig 3.

As shown in Fig. 2, an individual album or event view allows one to see the files associated with a specific group. For example, one can view the digital files that relate to a group of files called "Trip to Italy 2011". The individual album or event view is illustrated in Fig. 4.

A location view, as shown in Fig. 5, identifies within an interactive map (Google map shown as an example), where digital files were taken or originated. The location view can also provide additional outputs such as a journey route that identifies the specific locations for an event or trip that can be customized by users.

A people view, as shown in Fig. 6, shows thumbnail photos of all the people in the system that can be clicked in for a people profile view. A people profile view, as shown in Fig. 7, shows a profile picture of an individual, their birth/death information, family relationships, overview (comments) on the person, as well as links to other views that contain that individual in the system.

A family tree view, as shown in Fig 8, can illustrate interactive family trees where one can see the family tree of an individual or family. If a user clicks on an individual within the family tree, it will take him or her to the people profile view of that person.

The timeline view, as shown in Fig. 9, will be an interactive timeline that allows you to set ranges of digital files by year, month and day. The digital files shown in the timeline will also be interactive and if the user clicks on a digital file or group of digital files (e.g., event or album), the user will then view the information related to the digital file(s).

A recipe view, as shown in Fig. 10, will show a recipe along with any digital files that are associated with it. For example, a cherished family recipe may show a digital copy of the original handwritten recipe, a photo of the family member who was the chef and a video of the family member making the recipe.

Each of the aforementioned views may also be seen in a chart format view that is interactive when any item on the chart is clicked, the user will them be taken to a new screen that details all relevant digital files (and file types) for the clicked item.

For album or event chart views, as shown in Figs. 11 and 12, the elements listed in those charts will include individuals who are part of each album/event, number of digital files, date and other pertinent information.

A people view, shown in Fig. 13, may demonstrate all the names of individuals that are in the system in an alphabetical listing. Such a people view can also contain details on each person such as the number of photos and videos that are associated with that person. The user can click on that person to pull up the profile view of the individual or click on the number of photos to see all the photos associated with that person.

In the family tree chart view, shown in Fig. 14, family lineage can be viewed in multiple ways. For example, a user can set himself as the tree anchor and then see a tree of all people entered into the database related to the user. The user could also set a contact as the tree anchor and then just view the descendants of that individual.

For a location chart view, as show in Fig. 15, listings of all the locations that are in the system are displayed along with the number of digital files, as well as names of

persons associated with each. A user can click on the location to see all the digital media files that are associated with a specific location.

A recipe chart, as shown in Fig. 16, can show recipes that uploaded to the system. Along with the ingredients and steps of each recipe, this view can identify the chef(s) name, number of photos and videos associated with each.

For any of the views, the user can click on the digital file to start a slideshow feature that will allow them to scroll through an enlarged view of the digital file as illustrated in Fig. 17.

Another aspect of the disclosure is the search filter. This filter allows users to select one or more criteria that will narrow down their results to just those digital files matching input criteria. The entire system can be filtered by, for example, key words (or plurality of key words), event names, location, people, albums, star rating, file type, document type, and dates. A user may filter based on more than one criterion at a time. To help users quickly identify digital files that may still need to be organized, the advanced search filter also allows users to isolate files that have no date, no location, no people, no specific date/range, no upload date information or are lacking any other tag.

It should be noted that in one embodiment, searching via key word will search through all tagged information (user populated or auto-generated upon import). For example, if a user searched for the term "Ohio," the system would search for that term associated with any file in any way. If the user had files with Ohio as a state, file name, street name, person's name, file comment, etc., all would be retrieved.

Settings applied in the advanced search filter can cumulatively carry over to any subsequent pages until new criteria are selected. For example, a user can apply a filter to retrieve files associated with a particular person. Then the user can set a date range to further narrow results to show only those files for that selected person within the date range. Any pages viewed from that point forward throughout the entire site would only contain files associated with person and the date range specified. The advanced search filter is illustrated in Fig. 18.

Yet another feature can be a user's homepage, as illustrated in Fig. 19, that can summarize the user's content within the system including relevant information in the system. It is contemplated that a user's homepage may show a summary of the total number of photos, videos, documents and audio files that the user has uploaded. In this embodiment, for each group of digital files (e.g., photos), the percent of files that has been organized with pertinent data such as date, name(s) and location can be noted. In addition, the homepage can show a list of people that are in the system and the respective count for photos, videos, documents and audio files associated with each person. Also contemplated is a summary of the events, albums and locations that have been entered into the system. The user homepage may serve as an executive summary dashboard of one's entire system and can be modified to provide data in an executive summary format for a user.

Another feature is that the entire system including the dynamic views can be presented in a wide range of user outputs - e.g. on the user's computer, smartphone or tablet display. The user may choose to present the digital files in any of the various types of ways disclosed herein. Other ways of outputting the files are also possible. The

user can create and modify various sharing rights so that third parties may view the files and if desired, provide comments, apply tags or even download/copy the files for their own use.

Still another embodiment can provide export functionality. Once a user has used the organization functionality to assign information to data file(s), a user may want to export the data file in its original form (e.g., .jpg, .mp4, etc.) with the tags embedded within the digital file in the form of EXIF tags. In other words, a user can export his or her entire set of digital files, or may choose a subset based on keywords and tags. The exported digital files can include key tags and attributes users have assigned, and in one embodiment, such tags and attributes can be embedded within the digital files. For example, each exported digital file may be imbedded with user-entered data such as the people, location, and event name. This feature will allow the users to back up their files to another source (e.g., external computer hard drive) or to transport it to another venue (e.g., another website that is used for viewing and/or sharing digital files such as a social media website) where it can be viewed with these attributes. This export feature can provide users with the advantage of never losing key data that was stored simply because the user chooses to move its digital files to a new digital archiving system.

A method is also disclosed. The method may include the steps of storing a digital file in a file repository, associating a plurality of digital tags having different tag types with the digital file, providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result, and providing a user-configurable output to display the search result. The digital tag types may include, for

example, a person's name, a location, a recipe, a date, a relationship between individuals, an event name, a rating, and a document type.

Under the disclosed method, access may be provided to the repository via the Internet. Relationships between users may also be tracked such that a family tree can be displayed. A recipe may also be linked to a user or person. Finally, the method may include the step of outputting a digital file and its associated digital tags into a single file.

While the disclosure is susceptible to various modifications and alternative forms, specific exemplary embodiments thereof have been shown by way of example in the drawings and have herein been described in detail. It should be understood, however, that there is no intent to limit the disclosure to the particular forms disclosed, but on the contrary, the intention is to cover all modifications, equivalents, and alternatives falling within the spirit and scope of the disclosure as defined by the appended claims.

A plurality of advantages arises from the various features of the present disclosure. It will be noted that alternative embodiments of various components of the disclosure may not include all of the features described yet still benefit from at least some of the advantages of such features. Those of ordinary skill in the art may readily devise their own implementations of a digital file organization system that incorporate one or more of the features of the present disclosure and fall within the spirit and scope of the disclosure.

What is claimed is:

1. A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a digital tagging system permitting the user to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type;

a search filter, wherein the search filter allows the digital files to be searched according to a plurality of types of data; and

a user interface that presents the digital files on a user's screen based on the digital tags.

2. The storage system of claim 1, wherein the digital file repository is accessible over the Internet.

3. The storage system of claim 1, wherein the search system provides a user with the ability to search based on a plurality of types of data simultaneously.

4. The storage system of claim 1, further comprising a system for tracking relationships between and among users and named persons, so that a family tree can be displayed.

5. The storage system of claim 1, further comprising a system for linking a recipe to at least one of a person's name, videos, photos, documents, and audio files.

6. The storage system of claim 1, wherein the user interface is user-configurable.

7. The storage system of claim 1, wherein the digital files and data can be exported as a single or multiple files.

8. A method of storing digital files, the method comprising the steps of:

storing a digital file in a file repository;

associating a plurality of digital tags having different tag types with the digital file;

providing a search function that permits simultaneously searching by a plurality of digital tag types and provides a search result; and

providing a user-configurable output to display the search result;

wherein the digital tag types include at least one selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type.

9. The method of claim 8, further comprising the step of providing access to the file repository via the Internet.

10. The method of claim 8, further comprising the step of tracking relationships between users so that a family tree can be displayed.

11. The method of claim 8, further comprising the step of linking a recipe to a user.

12. The method of claim 8, further comprising the step of outputting a digital file and its associated digital tags in a single file.

13. A web-based digital file storage system comprising:

a digital file repository for storing and retrieving digital files;

a digital tagging system configured to assign a plurality of digital tags to each of the digital files, wherein the digital tagging system comprises at least one type of data selected from the group consisting of a person's name, a location, a recipe, a date, a relationship, an event name, a rating, and a document type; and

a sorting system, wherein the sorting system allows the digital files to be sorted according to a plurality of types of data.

14. The storage system of claim 13, wherein the digital file repository is accessible over the Internet.

15. The storage system of claim 13, wherein the sorting system provides a user with the ability to search based on a plurality of digital tags.

16. The storage system of claim 13, further comprising a system for tracking relationships between users, so that a family tree can be displayed.

17. The storage system of claim 13, further comprising a system for linking a recipe to a person's name.

18. The storage system of claim 13, wherein the user interface is user-configurable.

19. The storage system of claim 13, wherein the digital files and data can be exported as a single file.

20. The storage system of claim 13, further comprising a user-configurable output to display the sorted files.

ABSTRACT

A web-based digital file storage system is disclosed. The storage system may include a digital file repository for storing and retrieving digital files, such as photos, a digital tagging system configured to assign digital tags to the digital files, a sorting system, and a user interface.

Electronic Acknowledgement Receipt

EFS ID:	22579550
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	09-JUN-2015
Filing Date:	09-JUN-2011
Time Stamp:	17:12:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	069366-2USPT_Response_to_Notice_to_File_Corrected_Papers.pdf	81202 cc243e645ed7b2ab5953e8f5ed2a84284a0b85a7	no	2

Warnings:	
Information:	

2	Miscellaneous Incoming Letter	069366-2USPT_Notice.pdf	85776 ce29c6cb18a0a3f35eeba4c070ae5d966e59372a	no	3
Warnings:					
Information:					
3	Specification	069366-2USPT_Substitute_Specification.pdf	942028 7b72982d8b0e1a25fd54e401dd9ef33c39da519a	no	17
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New International Application Filed with the USPTO as a Receiving Office

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
13/157,214	06/09/2011	2165	527	069366-000002USPT	20	3

CONFIRMATION NO. 6707

REPLACEMENT FILING RECEIPT

70001
NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

OC000000075714654

Date Mailed: 06/15/2015

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

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Applicant(s)

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Nancy L. Desmond, Glen Ellyn, IL;
L. Michael Taylor, Chicago, IL;

Assignment For Published Patent Application

MemoryWeb, LLC, Glen Ellyn, IL

Power of Attorney: The patent practitioners associated with Customer Number 70001

Domestic Applications for which benefit is claimed - None.
A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 06/20/2011
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/157,214**
Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

Preliminary Class

707

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

70001 7590 05/20/2015
NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	06/09/2011	Christopher Desmond	069366-000002USPT	6707

TITLE OF INVENTION: METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	08/20/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
HICKS, MICHAEL J	2165	707-706000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "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 Nixon Peabody LLP
2
3

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. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: MemoryWeb, LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Glen Ellyn, Illinois

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
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- ☐ A check is enclosed.
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- ☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 50-4181 (enclose an extra copy of this form).

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- ☐ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ☐ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ☐ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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Authorized Signature /Bradley M. Taub, Reg. No. 67,300/ Date June 17, 2015

Typed or printed name Bradley M. Taub Registration No. 67,300

Petitioner Apple Inc. - Ex. 1015, p. 513

Electronic Patent Application Fee Transmittal

Application Number:	13157214
Filing Date:	09-Jun-2011
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher J. Desmond
Filer:	Bradley Michael Taub
Attorney Docket Number:	069366-000002USPT

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Utility Appl Issue Fee	2501	1	480	480
Publ. Fee- Early, Voluntary, or Normal	1504	1	0	0
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**480**

Electronic Acknowledgement Receipt

EFS ID:	22655362
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher J. Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	17-JUN-2015
Filing Date:	09-JUN-2011
Time Stamp:	12:00:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$480
RAM confirmation Number	207
Deposit Account	504181
Authorized User	TAUB, BRADLEY

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	069366-2USPT_PartB.pdf	102853 f28f77738ff387e4e7df50b7a9ab755154176112	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32258 5d32826d2187564c0d3c9f56c73cd0b8da692d5f	no	2
Warnings:					
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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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

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.
13/157,214	06/09/2011	Christopher J. Desmond	069366-000002USPT	6707

70001 7590 07/09/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

EXAMINER	
HICKS, MICHAEL J	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
07/09/2015	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketingchicago@nixonpeabody.com

Response to Rule 312 Communication	Application No.	Applicant(s)
	13/157,214	Christopher j. Desmond et al.
	Examiner	Art Unit

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

1. ☒ The amendment filed on *09 June 2015* 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.

Trevon Couch

/Publishing Division/

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/157,214	08/04/2015	9098531	069366-000002USPT	6707

70001 7590 07/15/2015

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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) WEB site (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 (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Christopher J. Desmond, Glen Ellyn, IL;
Nancy L. Desmond, Glen Ellyn, IL;
L. Michael Taylor, Chicago, IL;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Desmond et al.

Customer No.: 70001

Patent No.: 9,098,531 B2

Confirmation No.: 6707

Issued: August 4, 2015

Art Unit: 2165

For: METHOD AND APPLICATION FOR MANAGING DIGITAL FILES

Examiner: Hicks, Michael J.

REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 C.F.R. § 1.322

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

In reviewing the above-identified patent, an error was discovered in the claim language therein requiring correction. A proposed Certificate of Correction (PTO/SB/44) is submitted herewith to reflect the following correction:

> In Column 10, Lines 31-32 (Claim 16, Lines 2-3), please delete "displaying, the display device all" and insert -- displaying, on the display device, all -- therefore.

The mistake was incurred through the fault of the Patent Office and was not found in the application as filed, with the mistake being disclosed in the records of the Office. No fees are believed to be due in connection with this paper. However, should any fees be deemed necessary, the Director is authorized to charge any deficiency due by reason of this request to Nixon Peabody LLP Deposit Account No. 50-4181 (069366-000002USPT).

Dated: September 15, 2015

Respectfully submitted,

By: /Bradley M. Taub, Reg. No. 67,300/
Bradley M. Taub
Registration No. 67,300

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
Chicago, Illinois 60606
(312) 425-8563 – Direct Phone
(312) 425-3909 – Facsimile
Attorneys for Patentee

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
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.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 9,098,531

APPLICATION NO.: 13/157,214

ISSUE DATE : August 4, 2015

INVENTOR(S) : Christopher J. Desmond, Nancy L. Desmond, L. Michael Taylor

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Column 10, Lines 31-32 (Claim 16, Lines 2-3), please delete "displaying, the display device all" and insert -- displaying, on the display device, all -- therefore.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Nixon Peabody LLP
300 S. Riverside, 16th Floor
Chicago, Illinois 60606

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.0 hour 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: Attention Certificate of Corrections Branch, 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.

Privacy Act Statement

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

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

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

Electronic Acknowledgement Receipt

EFS ID:	23494411
Application Number:	13157214
International Application Number:	
Confirmation Number:	6707
Title of Invention:	METHOD AND APPLICATION FOR MANAGING DIGITAL FILES
First Named Inventor/Applicant Name:	Christopher J. Desmond
Customer Number:	70001
Filer:	Bradley Michael Taub
Filer Authorized By:	
Attorney Docket Number:	069366-000002USPT
Receipt Date:	15-SEP-2015
Filing Date:	09-JUN-2011
Time Stamp:	19:19:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	9098531_Request_for_Certificate_of_Correction.pdf	210238 4f173ff3d42ea5342ef30be0bc28a053fad7f6ec	no	4

Warnings:	
Information:	

Total Files Size (in bytes):	210238

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	: 9,098,531 B2
APPLICATION NO.	: 13/157214
DATED	: August 4, 2015
INVENTOR(S)	: Christopher J. Desmond, Nancy L. Desmond and L. Michael Taylor

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the claims

In Column 10, Lines 31-32 (Claim 16, Lines 2-3), please delete "displaying, the display device all" and insert -- displaying, on the display device, all -- therefore.

Signed and Sealed this
Twelfth Day of January, 2016

Michelle K. Lee

Michelle K. Lee
Director of the United States Patent and Trademark Office