AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:22-cv-00357	4/4/2022	Western District of Texas

PLAINTIFF	DEFENDANT
WILDSEED MOBILE LLC	GOOGLE LLC and YOUTUBE, LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,376,414	5/20/2008	Wildseed Mobile LLC
2	9,141,960	9/22/2015	Wildseed Mobile LLC
3	10,251,021	4/2/2019	Wildseed Mobile LLC
4	10,959,040	3/23/2021	Wildseed Mobile LLC
5	10,869,169	12/15/2020	Wildseed Mobile LLC

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
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5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

8/29/2022 - Order Granting Motion to Transfer Case to the Northern District of California - #66

CLERK	(BY) DEPUTY CLERK	DATE
Philip J. Devlin	Suzanne Miles	8/29/2022

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

Wildseed Mobile EX2004
Google v. Wildseed Mobile
IPR2023-00245

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

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6:22-cv-00357	4/4/2022	Western District of Texas

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:21-cv-1245	12/1/2021	Western District of Texas

PLAINTIFF	DEFENDANT
WILDSEED MOBILE LLC	GOOGLE LLC and YOUTUBE, LLC

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,376,414	5/20/2008	Wildseed Mobile LLC
2 9,141,960	9/22/2015	Wildseed Mobile LLC
3 10,251,021	4/2/2019	Wildseed Mobile LLC
4 10,959,040	3/23/2021	Wildseed Mobile LLC
5 10,869,169	12/15/2020	Wildseed Mobile LLC

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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AO 120 (Rev. 08/10)

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DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
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Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

EPAS ID: PAT6872889

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

CONVEYING PARTY DATA

Name	Execution Date
VARIA HOLDINGS LLC	08/19/2021

RECEIVING PARTY DATA

Name:	WILDSEED MOBILE LLC
Street Address:	1356 BROADWAY
Internal Address:	C/O MICHAEL JEMAL
City:	NEW YORK
State/Country:	NEW YORK
Postal Code:	10018

PROPERTY NUMBERS Total: 6

Property Type	Number
Patent Number:	6952597
Patent Number:	7376414
Patent Number:	8166139
Patent Number:	8635311
Patent Number:	9141960
Patent Number:	10251021

CORRESPONDENCE DATA

Fax Number:

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone:	9736219020
Email:	rbrosen@hlgslaw.com
Correspondent Name:	ROBERT B. ROSEN
Address Line 1:	ONE GATEWAY CENTER
Address Line 2:	HELLRING LINDEMAN GOLDSTEIN & SIEGAL LLP
Address Line 4:	NEWARK, NEW JERSEY 07102

ATTORNEY DOCKET NUMBER:	13713-1
NAME OF SUBMITTER:	ROBERT B. ROSEN
SIGNATURE:	/Robert B. Rosen/
DATE SIGNED:	08/19/2021

	This document serves as an Oath/Declaration (37 CFR 1.63).

Total Attachments: 3
source=00306662#page1.tif
source=00306662#page2.tif
source=00306662#page3.tif

ASSIGNMENT OF PATENT MATTERS

VARIA HOLDINGS LLC, a limited liability company organized under and pursuant to the laws of the State of Delaware (hereinafter referred to as "**Assignor**"), is the sole and exclusive owner of the patents listed in Exhibit A (hereinafter referred to as "**Patent Matters**"); and

WILDSEED MOBILE LLC, a limited liability company organized under and pursuant to the laws of the State of Texas (hereinafter referred to as "**Assignee**"), desires to acquire the right, title and interest in, to and under said Patent Matters and the inventions covered thereby.

For good and valuable consideration, the receipt and sufficiency of which Assignor acknowledges, Assignor hereby sells, assigns, transfers, and sets over to Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to said Patent Matters and all improvements thereon, and all provisional, original, divisional, continuation, continuation-in-part, substitute or reissue applications and patents applied for or granted therefor (including related rights such as utility-model registrations, inventor's certificates and the like), in the United States of America and all other countries, which claim priority to the Patent Matters including, without limitation, all United States Letters Patents and all reissues, reexaminations and extensions thereof and all priority rights under all available international agreements, treaties and conventions for the protection of intellectual property in its various forms in every participating country, and the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all patents resulting from the Patent Matters to said Assignee herein, as assignee of the entire interest therein; and the Assignor for itself and its legal representatives, heirs and assigns does hereby agree and covenant without further remuneration, to execute and deliver all original, divisional, continuation, continuation-in-part, reissue and other applications for Letters Patent and all assignments thereof to said Assignee or its successors, legal representatives and assigns, to communicate to said Assignee or its successors, legal representatives and assigns all facts known to the Assignor respecting said Patent Matters whenever requested, to testify in any interferences or other legal proceedings in which said applications or patents may become involved, to sign all lawful papers, make all rightful oaths, and do generally everything necessary to aid Assignee, its successors, legal representatives and assigns to obtain patent protection for said Patent Matters in the United States of America and all other countries, the reasonable expenses incident to said Patent Matters to be borne and paid by said Assignee.

Assignor further assigns, transfers and conveys to Assignee all causes of action (whether known or unknown or whether currently pending, filed, or otherwise) and other enforcement rights under, or on account of, any of the Patent Matters including, without limitation, all causes of action and other enforcement rights for (1) damages, (2) injunctive relief, and (3) any other remedies of any kind for past, current, and future infringement.

The right, title, and interest conveyed in this Assignment is to be held and enjoyed by Assignee and Assignee's successors as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made.

For and on behalf of

ASSIGNOR:

VARIA HOLDINGS LLC

By: _____

Full Name: MICHAEL JEMAL

Capacity: MANAGER

On the 19th day of AUGUST 2021, before me personally appeared MICHAEL JEMAL who stated that he/she was the MANAGER of Varia Holdings LLC and that he/she executed the foregoing document on its behalf.

_____

NOTARY PUBLIC

Clifton Brown
Notary Public - State of New York
No. 01BR6314657
Qualified in Kings County
My Commission Expires November 17, 2022

My Commission expires: 11/17/2022

[SEAL]

EXHIBIT A

U.S. Patent No. 6,952,597

U.S. Patent No. 7,376,414

U.S. Patent No. 8,166,139

U.S. Patent No. 8,635,311

U.S. Patent No. 9,141,960

U.S. Patent No. 10,251,021

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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	04/02/2019	10251021	120083-204973 (07-0035C)	4893

25943 7590 03/13/2019

Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

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 146 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):

Evan Feldman, Woodinville, WA;
VARIA HOLDINGS LLC, BROOKLYN, NY;
Jonathan Nelson, Seattle, WA;

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.

IR103 (Rev. 10/09)

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (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)

25943 7590 11/06/2018
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

VIA EFS WEB (Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

TITLE OF INVENTION: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	02/06/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
LAGOR, ALEXANDER	2491	709-206000

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 03-09 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 Schwabe, Williamson & Wyatt, P.C.
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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: VARIA HOLDINGS LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Brooklyn, NY

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 500393

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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.
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.
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 /Ryan N. Strauss/ Date 02/06/2019

Typed or printed name Ryan N. Strauss Registration No. 68392

Electronic Patent Application Fee Transmittal

Application Number:	14860339
Filing Date:	21-Sep-2015
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Filer:	Ryan Nathan Strauss/Enoy Lawless
Attorney Docket Number:	120083-204973 (07-0035C)

Filed as Large 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:				
UTILITY APPL ISSUE FEE	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1000**

Electronic Acknowledgement Receipt

EFS ID:	35077930
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	06-FEB-2019
Filing Date:	21-SEP-2015
Time Stamp:	17:31:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$1000
RAM confirmation Number	020719INTEFSW00004488500393
Deposit Account	500393
Authorized User	Enoy Lawless

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

37 CFR 1.20 (Post Issuance fees)

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)	Varia-07-0035C_Issue-Fee-Trans_02-06-19.pdf	90406 c1939a3ea108531facf5783b5e3090366bd708a0	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30605 a365265c2f9871089aa9487093fe119cb12d3f68	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	121011		

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.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

25943 7590 01/08/2019
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
01/08/2019	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):

IPDocketing@SCHWABE.com
patent@schwabe.com

Response to Rule 312 Communication	Application No.	Applicant(s)	
	14/860,339	Feldman et al.	
	Examiner	**Art Unit**	**AIA Status**
	ALEXANDER LAGOR	2491	No

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

1. ☑ The amendment filed on 19 December 2018 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.

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Even Feldman

Application No.: 14/860,339

Filing Date: September 21, 2015

For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Examiner: Alexander LAGOR

Group Art Unit: 2491

Confirmation No.: 4893

Mail Stop Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER ALLOWANCE

This communication is submitted in response to the Notice of Allowance mailed November 6, 2018.

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

Remarks/Arguments begin on page 9 of this paper.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Even Feldman	Examiner: Alexander LAGOR
Application No.: 14/860,339	Group Art Unit: 2491
Filing Date: September 21, 2015	Confirmation No.: 4893
For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

Mail Stop Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER ALLOWANCE

This communication is submitted in response to the Notice of Allowance mailed November 6, 2018.

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

Remarks/Arguments begin on page 9 of this paper.

Electronic Acknowledgement Receipt

EFS ID:	34646412
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	19-DEC-2018
Filing Date:	21-SEP-2015
Time Stamp:	20:30:07
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		07-0035C_312_AMEND_12_19_18.pdf	131446 e5ce8ea21fc1859cf424057db40e3ae4b123cee3	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	9	9
	Claims	2	8
	Amendment after Notice of Allowance (Rule 312)	1	1

Warnings:	
Information:	
Total Files Size (in bytes):	131446

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.

REMARKS

Claims 21-23, 26-31 and 37-46 were allowed. In this response, various claims have been amended as set forth in the above Listing of Claims, to correct various previously undetected informalities. The scopes of the claims are not changed, and no new matter has been introduced. Claims 21-23, 26-31 and 37-46 remain in condition of allowance.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at 503-796-2441. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Dated: December 19, 2018

/Ryan N. Strauss/
Ryan N. Strauss, Reg. No. 68,392

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AMENDMENTS TO THE CLAIMS

1-20. (Canceled)

21. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) comprising instructions written thereon ~~that~~, wherein execution of the instructions by one or more processors of a computer server is to cause the computer server to:

control receipt of media or information about the media, the media being stored on a portable media player device or accessed using the portable media player device;

infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and a plurality of media content types of the media stored on or accessed by the portable media player device, wherein the plurality of media content types comprises textual media, image media, audio media, and video media;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

control communication of the recommendation to the user.

22. (Previously Presented) The one or more NTCRM of claim 21, wherein the audio media comprises music media and podcast media.

23. (Previously Presented) The one or more NTCRM of claim 22, wherein, to generate the recommendation, execution of the instructions is to cause the computer server to:

generate the recommendation based at least in part on:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device;

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device.

24-25. (Cancelled)

26. (Currently Amended) The one or more NTCRM of claim 21, wherein execution of the instructions ~~are further~~is to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device.

27. (Currently Amended) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

control receipt of the location information associated with the portable media player device or from a wireless access point through which the portable media player device has established a network connection with the computer server; and

determine a current location of the portable media player device based on the location information.

28. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on known current locations of other portable media player devices in communication with the computer server.

29. (Previously Presented) The one or more NTCRM of claim 21, wherein, to control communication of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of the recommendation to the portable media player device.

30. (Previously Presented) The one or more NTCRM of claim 29, wherein, to control transmission of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call to the user.

31. (Currently Amended) The one or more NTCRM of claim 21, wherein execution of the instructions ~~are to further~~ is to cause the computer server to:

obtain the media or the information about the media from a storage within the computer server; or

control receipt of the media or the information about the media from a remote storage device.

32-36. (Cancelled)

37. (Previously Presented) One or more non-transitory computer-readable media (NTCRM) comprising instructions that, when executed by one or more processors of a portable media player device, cause the portable media player device to:

operate a media player application to access media from a local storage of the portable media player device or a remote storage;

establish a network connection with a server, the server to provide location and preference based venue or event recommendations;

control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user, and wherein:

the recommendation is based on one or more inferred preferences of the user and the location information,

the inferred preferences are based at least in part on the accessed media, media content types of the accessed media from among a plurality of media content types, and information about the accessed media, wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and

the event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current location of the user.

38. (Previously Presented) The one or more NTCRM of claim 37, wherein the recommendation is based on one or more of:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device;

a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based on video media stored in, or accessed using, the portable media player device;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device.

39. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and

generate the location information to include the GPS coordinate.

40. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

obtain a user input indicating a current location of the portable media player device or a desired location of the portable media player device; and

generate the location information to indicate the user input.

41. (Previously Presented) The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device.

42. (Currently Amended) The one or more NTCRM of claim 37, wherein, to receive the recommendation, execution of the instructions is to cause the portable media player to:

control receipt of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call, wherein the recommendation is included in the SMS message, the email message, the pager message, the facsimile message, or the call.

43. (Currently Amended) A computer server to provide location and preference based venue or event recommendations, the computer server comprising:

a ~~communications~~ communication interface to receive media or information about the media from a remote storage device, wherein the media is stored by ~~the~~ a portable media player device or the media is remotely accessed using the portable media player device; and

one or more processors communicatively coupled with the communication ~~communications~~ interface, the one or more processors to:

infer one or more preferences of a user of the portable media player device based at least in part on the received media or the information about the media, and media content types of the media accessed by the portable media player device from among a plurality of media content types, wherein the plurality of media content types comprises textual media, image media, audio media, and video media;

infer a current location of the user of the portable media player device based on obtained location information associated with the portable media player device;

access one or more sources of information about venues or events proximal to a current location of the portable media player device;

identify at least one of the venues or events to be a venue or event of interest to the user based on the one or more inferred preferences and the current location of the portable media player device;

generate a recommendation to indicate the venue or event of interest; and

control the communication interface to send the recommendation to the portable media player device via ~~of~~ one or more of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call.

44. (Previously Presented) The computer server of claim 43, wherein the one or more processors are to generate the recommendation based on one or more of:

a genre of music played at the venue or event of interest and a music genre preference of the one or more inferred preferences;

a genre of a play or movie played at the venue or event of interest, respectively, and a video genre preference of the one or more inferred preferences;

a genre of painting or photo exhibited at the venue or event of interest and an image genre preference of the one or more inferred preferences; and

a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and a subject preference of the one or more inferred preferences.

45. (Previously Presented) The computer server of claim 43, wherein:

the communication interface is to receive the location information from the portable media player device or from an access point through which the portable media player device establishes a network connection with the computer server; and

the one or more processors are to: determine a current location of the portable media player device based on the location information, and infer the current location of the user based on the determined current location of the portable media player device.

46. (Previously Presented) The computer server of claim 43, wherein, to infer the current location, the one or more processors are to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on current locations of other portable media player devices in communication with the computer server; and

infer the current location of the user based on the determined current location of the portable media player device.

END OF CLAIMS LISTING

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

25943 7590 11/06/2018
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

DATE MAILED: 11/06/2018

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

TITLE OF INVENTION: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	02/06/2019

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: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

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Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

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By fax, send to: (571)-273-2885

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

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nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	02/06/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
LAGOR, ALEXANDER	2491	709-206000

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 03-09 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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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. Fees submitted: ❑Issue Fee ❑Publication Fee (if required) ❑Advance Order - # of Copies _____

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❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

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.
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.
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. _____

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EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

DATE MAILED: 11/06/2018

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 30 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. 14/860,339	Applicant(s) Feldman et al.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	AIA 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 08/31/2018.
   ☐ 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 See Continuation Sheet . 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 areply 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 _____.

/ALEXANDER LAGOR/
Primary Examiner, Art Unit 2491

Continuation of 3. The allowed claim(s) is/are: 21-23,26-31 and 37-46

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Allowable Subject Matter

1. Claims 21-23, 26-31 and 37-46 are allowed.

Reasons for Allowance

2. According to 37 C.F.R. 1.104(e), it is the examiner's discretion to evaluate at the time of allowance whether the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims and set forth such a reasoning. At this time, the examiner believes that the claims allowed above require a separate reasoning to make the record clearer. The applicant or patent owner may file a statement commenting on the reasons for allowance within such time as may be specified by the examiner.

The following is an examiner's statement of reasons for allowance:

In interpreting the currently amended claims in light of the specification, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Claims 21-23, 26-31 and 37-46 are allowed for reasons argued by Applicant in the remarks filed 08/31/2018 and by way of this Examiner's Amendment.

The prior art of record that was found and cited comprised the following reference(s):

U.S. 2008/0154696 A1 **"Spiegelman"**

U.S. 2006/0123080 A1 **"Baudino"**

U.S. 2009/0222392 A1 "Martin"

Spiegelman was relied upon for teaching how a computer based system can access media content such as songs or videos of a user and then determine if an event associated with the detected media can be found in the vicinity of the user. What Spiegelman did not disclose was using a portable media player to store the media and make that determination. For that limitation the examiner relied upon Baudino. The combination Spiegelman and Baudino did not disclose that the Media could comprise textual media and image media. For this the examiner relied upon Martin.

In the remarks received 08/31/2018 the applicant argued improper hindsight in combining these references. The examiner was persuaded by applicant's remarks for the following reasons:

In imagining the hypothetical person having ordinary skill in the art, it is important to also to consider what was well known in the art at the time of the invention. Since the invention claims priority to 06/22/2007, the examiner no longer is convinced that a person having ordinary skill in the art would have found it obvious to combine the various references to arrive at the claimed invention <u>at the time of the invention</u>. Even if the <u>current</u> state in the art would offer motivation to combine the references, the examiner <u>must</u> consider the time when the invention was filed originally in concluding whether it would have been obvious to combine the references. For this reason, the examiner is persuaded by the applicant's remarks as to impermissible hindsight and vacates the previously issued rejection and consequently rendering the application in condition for allowance.

Therefore, the prior art of record does not teach or suggest individually or in combination the particular limitations listed below as recited in the current claims:

> *"...infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and a plurality of media content types of the media stored on or accessed by the portable media player device, wherein the plurality of media content types comprises textual media, image media, audio media, and video media..."*

None of the prior art of record, either taken by itself or in any combination, would have anticipated or made obvious the invention of the present application at or before the time it was filed.

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."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER LAGOR whose telephone number is (571)270-5143. The examiner can normally be reached on Monday thru Friday, 9:00 AM to 5:00 PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashokkumar B. Patel can be reached on (571) 272-3972. 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.

/ALEXANDER LAGOR/
Primary Examiner
Art Unit 2491

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CPC						
Symbol					**Type**	**Version**
H04W	/	4	/	021	F	2013-01-01
G06F	/	17	/	30867	I	2013-01-01
G06Q	/	30	/	02	I	2013-01-01
H04W	/	4	/	029	I	2018-02-01

CPC Combination Sets								
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 19	
/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491 (Primary Examiner)	29 October 2018 (Date)	O.G. Print Claim(s) 21	O.G. Print Figure 1

U.S. Patent and Trademark Office

Part of Paper No.: 20181029

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

INTERNATIONAL CLASSIFICATION				
CLAIMED				
G06F	/	21	/	00

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE (Assistant Examiner) (Date)		**Total Claims Allowed:** 19	
/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491 (Primary Examiner)	29 October 2018 (Date)	O.G. Print Claim(s) 21	O.G. Print Figure 1

U.S. Patent and Trademark Office

Part of Paper No.: 20181029

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		10		19	6	28	10	37	19	46				
	2		11		20	7	29	11	38						
	3		12	1	21	8	30	12	39						
	4		13	2	22	9	31	13	40						
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	6		15		24		33	15	42						
	7		16		25		34	16	43						
	8		17	4	26		35	17	44						
	9		18	5	27		36	18	45						

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 19	
/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491 (Primary Examiner)	29 October 2018 (Date)	O.G. Print Claim(s) 21	O.G. Print Figure 1

U.S. Patent and Trademark Office Part of Paper No.: 20181029

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04W4/021*	4/13/2017 (Updated: 9/6/2017)	AL (Updated: AL)

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor's search - see EAST search notes	4/13/2017 (Updated: 10/29/2018)	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	4/13/2017 (Updated: 10/3/2017)	AL (Updated: AL)
NPL (STIC) - see search history printout	9/7/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	02/13/2018	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	05/29/2018 (Updated: 10/29/2018)	AL

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
H04W	4/021,4/028	9/8/2017 (Updated: 10/29/2018)	AL
G06F	17/30867	9/8/2017 (Updated: 10/29/2018)	AL
G06Q	30/02	9/8/2017 (Updated: 10/29/2018)	AL

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

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

CLAIMS

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

CLAIM		DATE								
Final	Original	04/13/2017	10/03/2017	02/13/2018	05/29/2018	10/29/2018				
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	35	✓	✓	-	-	-				
	36	✓	✓	-	-	-				
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11	38			✓	✓	=				
12	39			✓	✓	=				
13	40			✓	✓	=				
14	41			✓	✓	=				
15	42			✓	✓	=				

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CLAIM		DATE								
Final	Original	04/13/2017	10/03/2017	02/13/2018	05/29/2018	10/29/2018				
16	43			✓	✓	=				
17	44			✓	✓	=				
18	45			✓	✓	=				
19	46			✓	✓	=				

Bibliographic Data

Application No: 14/860,339

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /ALEXANDER LAGOR/ (Examiner's Signature) | Initials

Title: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/21/2015	709	2491	120083-204973 (07-0035C)
RULE			

APPLICANTS

VARIA HOLDINGS LLC, BROOKLYN, NY,

INVENTORS

Evan Feldman Woodinville, WA, UNITED STATES

Jonathan Nelson Seattle, WA, UNITED STATES

CONTINUING DATA

This application is a CON of 12144532 06/23/2008 PAT 9141960

12144532 has PRO of 60945677 06/22/2007

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

10/02/2015

STATE OR COUNTRY

UNITED STATES

ADDRESS

Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204
UNITED STATES

FILING FEE RECEIVED

$1,740

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	15	(("FELDMAN") near3 ("Evan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2018/10/29 14:16
L2	160	(("NELSON") near3 ("Jonathan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2018/10/29 14:16
L3	1	(L1 L2) & (portable adj2 media adj2 player same venue same proxim$3).CLM.	US-PGPUB; USPAT; USOCR	OR	ON	2018/10/29 14:17
L4	343	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/10/29 14:18
L5	86759	(H04W4/021 H04W4/029 G06F17/30867 G06Q30/02).CPC. & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/10/29 14:20
L6	873	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/10/29 14:21
L7	131	L5 & L6	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/10/29 14:24
L8	103	L5 & user near5 taste near5 (songs music movie media video) & (music song) & (movie video) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/10/29 14:40
L9	1	(11/615544).APP.	USPAT; USOCR	OR	ON	2018/10/29 14:41
L10	29	("20030115113" | "20040161097" | "20040199387" | "20040199525" |	US-PGPUB; USPAT;	OR	ON	2018/10/29 14:41

		"20050192820" | "20060195479" | "20060195480" | "20070060112" | "20070162335" | "5991735" | "7068189" | "7412042" | "7437368" | "7584123" | "7589628").PN. OR ("7937380").URPN.	USOCR			
L11	0	(11/003960).APP.	USPAT; USOCR	OR	ON	2018/10/29 14:42

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L12	7867	(H04W4/021).CPC.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44
L13	265	(H04W4/028).CPC.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44
L14	20471	(G06F17/30867).CPC.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44
L15	56786	(G06Q30/02).CPC.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44
L16	0	(L12 L13 L14 L15) & ((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44
L17	296	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44
L18	41	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$4 related linked connected propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2018/10/29 14:44

10/29/2018 2:52:56 PM
C:\Users\alagor\Documents\EAST\Workspaces\14860339.wsp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Even Feldman	Examiner: Alexander LAGOR
Application No.: 14/860,339	Group Art Unit: 2491
Filing Date: September 21, 2015	Confirmation No.: 4893
For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

Mail Stop **Amendment**
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION

This paper is filed in response to the Non-Final Office Action having a notification date of June 4, 2018. Entry of the following claims and consideration of the following remarks is respectfully requested.

Amendments to the Claims begin on page **2**.

Remarks begin on page **9**.

AMENDMENTS TO THE CLAIMS

1-20. (Canceled)

21. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) comprising instructions written thereon that, ~~in response to~~wherein execution of the instructions by one or more processors of a computer server~~,~~ is to cause the computer server to:

control receipt of media or information about the media, the media being stored on a portable media player device or accessed using the portable media player device;

infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and a plurality of media content types of the media stored on or accessed by the portable media player device, wherein the plurality of media content types comprises textual media, image media, audio media, and video media;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

control communication of the recommendation to the user.

22. (Currently Amended) The one or more NTCRM of claim 21, wherein the ~~plurality of media content types~~audio media comprises ~~textual media, image media,~~ music media~~,~~ and podcast media~~, and video media~~.

23. (Currently Amended) The one or more NTCRM of claim 22, wherein, to generate the recommendation, execution of the instructions is to cause the computer server to:

generate the recommendation based at least in part on:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device;

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device~~, wherein the video media is a media content type of the plurality of media content types~~;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device.

24-25. (Cancelled)

26. (Previously Presented) The one or more NTCRM of claim 21, wherein execution of the instructions are further to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device.

27. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

control receipt of the location information portable media player device or from a wireless access point through which the portable media player device has established a network connection with the computer server; and

determine a current location of the portable media player device based on the location information.

28. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on known current locations of other portable media player devices in communication with the computer server.

29. (Previously Presented) The one or more NTCRM of claim 21, wherein, to control communication of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of the recommendation to the portable media player device.

30. (Previously Presented) The one or more NTCRM of claim 29, wherein, to control transmission of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call to the user.

31. (Previously Presented) The one or more NTCRM of claim 21, wherein execution of the instructions are to further cause the computer server to:

obtain the media or the information about the media from a storage within the computer server; or

control receipt of the media or the information about the media from a remote storage device.

32-36. (Cancelled)

37. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) comprising instructions that, when executed by one or more processors of a portable media player device, cause the portable media player device to:

operate a media player application to access media from a local storage of the portable media player device or a remote storage;

establish a network connection with a server, the server to provide location and preference based venue or event recommendations;

control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user, and wherein:

the recommendation is based on one or more inferred preferences of the user and the location information,

the inferred preferences are based at least in part on the accessed media, media content types of the accessed media from among a plurality of media content types, and information about the accessed media, wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and

the event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current location of the user.

38. (Currently Amended) The one or more NTCRM of claim 37, ~~wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and~~ wherein the recommendation is based on one or more of:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device;

a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based on video media stored in, or accessed using, the portable media player device;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device.

39. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and

generate the location information to include the GPS coordinate.

40. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

obtain a user input indicating a current location of the portable media player device or a desired location of the portable media player device; and

generate the location information to indicate the user input.

41. (Previously Presented) The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device.

42. (Previously Presented) The one or more NTCRM of claim 37, wherein, to receive the recommendation, execution of the instructions is to cause the portable media player to:

control receipt of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call, wherein the recommendation is included in the SMS message, email message, pager message, the facsimile message, or the call.

43. (Currently Amended) A computer server to provide location and preference based venue or event recommendations, the computer server comprising:

a communications interface to receive media or information about the media from a remote storage device, wherein the media is stored by the portable media player device or the media is remotely accessed using the portable media player device; and

one or more processors communicatively coupled with the communications interface, the one or more processors to:

infer one or more preferences of a user of the portable media player device based at least in part on the received media or the information about the media, and media content types of the media accessed by the portable media player device from among a plurality of media content types, wherein the plurality of media content types comprises textual media, image media, audio media, and video media;

infer a current location of the user of the portable media player device based on obtained location information associated with the portable media player device;

access one or more sources of information about venues or events proximal to a current location of the portable media player device;

identify at least one of the venues or events to be a venue or event of interest to the user based on the one or more inferred preferences and the current location of the portable media player device;

generate a recommendation to indicate the venue or event of interest; and

control the communication interface to send the recommendation to the portable media player device via of one or more of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call.

44. (Currently Amended) The computer server of claim 43, ~~wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and~~ wherein the one or more processors are to generate the recommendation based on one or more of:

a genre of music played at the venue or event of interest and a music genre preference of the one or more inferred preferences;

a genre of a play or movie played at the venue or event of interest, respectively, and a video genre preference of the one or more inferred preferences;

a genre of painting or photo exhibited at the venue or event of interest and an image genre preference of the one or more inferred preferences; and

a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and a subject preference of the one or more inferred preferences.

45. (Previously Presented) The computer server of claim 43, wherein:

the communication interface is to receive the location information from the portable media player device or from an access point through which the portable media player device establishes a network connection with the computer server; and

the one or more processors are to: determine a current location of the portable media player device based on the location information, and infer the current location of the user based on the determined current location of the portable media player device.

46. (Previously Presented) The computer server of claim 43, wherein, to infer the current location, the one or more processors are to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on current locations of other portable media player devices in communication with the computer server; and

infer the current location of the user based on the determined current location of the portable media player device.

END OF CLAIMS LISTING

REMARKS

The claims have been variously amended as shown above. Claims 1-20, 24-25, and 32-36 were previously cancelled without prejudice or disclaimer. No claims are newly added or presently cancelled. No new matter is added. Claims 21-23, 26-31, and 37-46 are pending. Favorable reconsideration of the present application, in light of the previous amendments and the following remarks, is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 21-23, 26-31, 37-38, 40, and 42-46 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over various combinations of U.S. Pat. No. 2008/0154696 ("*Spiegelman*"), U.S. Pat. Pub. 2006/0123080 ("*Baudino*"), U.S. Pat. Pub. 2009/0222392 ("*Martin*"), U.S. Pat. No. 7,310,532 ("*Knauerhase*"), and U.S. Pat. No. 8,611,920 ("*Lau*"). These rejections are traversed for the reasons detailed below.

The cited art, individually or in any combination, fail to disclose or suggest "infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and a plurality of media content types of the media stored on or accessed by the portable media player device, *wherein the plurality of media content types comprises textual media, image media, audio media, and video media*" as recited by amended claim 21 (emphasis added).

The amendments to claim 21 are based in part on the subject matter previously recited by claim 22. The Office Action at page 10 concedes that *Spiegelman* and *Baudino* fail to disclose "textual media and image media" previously recited by claim 22. However, the Office Action at page 10 asserts that *Martin* at paragraph [0043] discloses "e-book" and "picture."

By rejecting claim 22 in this manner, the Office Action is misapplying the law regarding motivation to combine, and the Office Action has failed to set forth a *prima facie* case of obviousness for at least the reasons discussed below.

In making an assessment of the differences between the prior art and the claimed subject matter, 35 U.S.C. § 103 specifically requires consideration of the prior art "as a whole."[1] The "as a whole" instruction prevents evaluation of the invention on a part-by-part

[1] See *Ruiz v. A.B. Chance., Co.*, 357 F.3d 1270, 1275 (Fed. Cir. 2004); See *Dystar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick*, 464 F.3d 1356, 1360 (Fed. Cir. 2006).

basis.[2] Without this important requirement, an obviousness assessment would break an invention into its component parts, then find a prior art reference corresponding to each component. This form of reasoning would import ***hindsight*** into the obviousness determination by using the invention as a roadmap to find its prior art components.[3] Decomposing an invention into its constituent elements, finding each element in the prior art, and then claiming that it is easy to reassemble these elements into the invention, is a forbidden ex-post analysis.[4]

It is improper to combine the *Martin* reference with the *Spiegelman* and *Baudino* references because the *Martin* reference is not considered as a whole and does not suggest the desirability of making the combination.

The Office Action at page 10 asserts that *Martin* discloses wherein the plurality of media types comprises textual media, which is not found in *Spiegelman* or *Baudino*. In support of this assertion, the Office Action at page 10 only shows the following: "textual media **(¶0043: "e-book")** and image media **(¶0043: "picture").**"[5] No other analysis of *Martin* is provided in the Office Action with respect to the rejection of claim 22.

In this way, the Office Action merely uses *Marin* in order to teach the use of the words "e-book" and "picture" in connection with event recommendation systems. By combining the teachings of *Martin* with *Spiegelman* and *Baudino* in this manner, the Office Action fails to consider the *Martin* reference as a whole and merely seeks to find a reference that may provide the component that is admitted as being deficient in *Spiegelman* and *Baudino*, namely the use of the words "textual media" and "image media," as recited by amended claim 21.

The *Martin* reference is not being considered as a whole, but rather is being broken down in its constituent elements in an effort to present all features of the claimed invention. Consequently, the combination of *Martin* with *Spiegelman* and *Baudino* is improper as it

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[2] *Ruiz v. A.B. Chance., Co.*, 357 F.3d 1270, 1275 (Fed. Cir. 2004).
[3] *Id.*
[4] *In re Mahurkar*, 831 F. Supp. 1354, 1374-75 (N.D. Ill. 1993) (citing *In re Fritch*, 972 F.2d 1260, 1265-66 (Fed. Cir. 1992), aff'd *In re Mahurkar*, 71 F.3d 1573 (Fed. Cir. 1995); See *Ruiz v. A.B. Chance., Co.*, 357 F.3d 1270, 1275 (Fed. Cir. 2004).
[5] Emphasis in the original.

merely uses forbidden ex-post analysis to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.[6]

Furthermore, the Office Action at page 10 provides the following rationale to support the combination of *Martin* with *Spiegelman* and *Baudino*:

> It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Spiegelman' s event recommendation system, in view of Baudino, based on user preferences to include additional categories of media such as text media and image media, as taught by Martin.
>
> The motivation is to enhance the user experience by benefiting from Spiegelman' s invention by extending into other categories of media such as e-books and pictures.

This rationale does not satisfy the "as a whole" requirement of §103. The required rationale for combining *Martin* with *Spiegelman* and *Baudino* is not satisfied by merely citing a portion of *Martin* that includes the words "e-book" and "picture" and stating that it would have been obvious to one of ordinary skill in the art to combine the teachings of *Martin* with the system of *Spiegelman* as modified by *Baudino*.

For example, *Martin* at paragraph [0043] states that,

> As used herein, the term "media data item' is intended to encompass any media item or representation of a media item. A "media item' is intended to encompass any type of media file which can be represented in a digital media format, such as a song, movie, picture, e-book, game, etc. Thus, it is intended that the term "media data item' encompass, for example, playable media item files (e.g., an MP3 file), as well as metadata that identifies a playable media file (e.g., metadata that identifies an MP3 file). It should therefore be apparent that in any embodiment providing a process, step, or system using "media items," that process, step, or system may instead use a representation of a media item (such as metadata), and vice versa.

To summarize, *Martin* merely discusses that pictures and e-books could be a type of "media item." However, there is no focused and specific examples of how e-books or pictures are used to generate the playlists or mediasets discussed throughout *Martin*. Indeed, the Office Action does not provide a rationale as to how pictures or e-books as being a type of media item as discussed by *Martin* would be utilized by the event recommendation system of *Spiegelman* as modified by *Baudino*. Additionally, the Office Action does not discuss how a person of ordinary skill in the art would combine *Martin* with the system of *Spiegelman* as modified by *Baudino* to arrive at the claimed invention. If the *Martin* reference was

[6] *See In re Fritch*, 972 F.2d 1260, 1265-66 (Fed. Cir. 1992).

considered as a whole as required by §103 such a discussion (i.e., an articulated reasoning with some rational underpinning to support the legal conclusion of obviousness) would have been presented in the Office Action. Therefore, the combination of *Martin* with *Spiegelman* and *Baudino* is improper, and thus, the Office Action has failed to set forth a *prima facie* case of obviousness.

Moreover, *Knauerhase* and *Lau* are not relied upon as teaching the aforementioned feature of amended claim 21 and neither *Knauerhase* nor *Lau* disclose or suggest this feature.

Accordingly, the cited art, alone or in any combination, fail to disclose or suggest all the elements of amended claim 21, and thus, a *prima facie* case of obviousness cannot be established with respect to amended claim 21. The remaining claims either depend from or recite similar subject matter as amended claim 21, and are patentable for reasons at least the reasons discussed above with regard to amended claim 21. Accordingly, reconsideration and withdrawal of the rejections under §102 and §103 is respectfully requested.

CONCLUSION

All pending claims are believed to be in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at 1-503-796-2441 if the Examiner believes that an interview might be useful for any reason. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

Date: August 31, 2018

By: */Ryan N. Strauss/*
Ryan N. Strauss, Reg. No.: 68,392

Electronic Acknowledgement Receipt

EFS ID:	33602857
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	31-AUG-2018
Filing Date:	21-SEP-2015
Time Stamp:	17:00:19
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		Varia-07-0035C-RESPONSE-08_31_18.pdf	185889 cfb32f1c4b36c7dc36c189a30d0b4599b7fb1371	yes	12

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	8
	Applicant Arguments/Remarks Made in an Amendment	9	12

Warnings:	
Information:	
Total Files Size (in bytes):	185889

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)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/860,339	Filing Date 09/21/2015	☐ 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 $80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $420 =	
☐ 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	08/31/2018	(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 $100 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0		x $460 =	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 $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	HSLIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	TRACIE V HARGROVE
*** 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.	

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.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

25943 7590 06/04/2018
Schwabe Williamson & Wyatt
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UNITED STATES OF AMERICA

EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
06/04/2018	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):

IPDocketing@SCHWABE.com
patent@schwabe.com

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 14/860,339	Applicant(s) Feldman et al.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	AIA Status No

-- 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 MONTHS 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 05/16/2018.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) 21-23,26-31 and 37-46 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) 21-23,26-31 and 37-46 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 21 September 2015 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).

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)).

** 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/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. 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 05/16/2018 has been entered.

Response to Arguments

3. Applicant's arguments, see pg. 9-10 of remarks, filed 05/16/2018, with respect to the rejection(s) of claim(s) 21-23, 26-31 and 37-46 under 35 U.S.C. § 103 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 newly discovered prior art.

Claim Rejections - 35 USC § 103

1. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

2. The following is a quotation of pre-AIA 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, 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.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claim(s) 21, 26, 29-31, 37, 38, 40 and 42-46 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20080154696 A1 (hereinafter "Spiegelman"), and further in view of U.S. Patent Application Publication No. 2006/0123080 A1 (hereinafter "Baudino").

<u>Regarding claim 21:</u>

Spiegelman discloses:

One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to:

retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media **(¶0056: "As the consumer interacts with the media**

server (e.g., <u>by accessing media content items such as songs or videos</u>, purchasing such items, rating or reviewing such items, alerting friends or other parties of the items, etc.), a maintain consumer profile operation 204 is performed in which consumer information is collected and stored in a datastore maintained by the system as information related to the consumer."; ¶0061: "In the operation 210, the interest data identifying the media content item that was the subject of the request is stored in the consumer profile."; ¶0081: "Information from the consumer's profile is then retrieved");

infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device (**¶0062: "system further determines if the media content item that is the subject of the consumer's request is associated with an event in the event datastore in a determination operation 212."; Fig. 4 : 406; ¶0081-0082: "In the comparison operation 406, the consumer's information including the consumer's consumption history, location and other known information is compared against the current events in the event database."**);

access one or more sources of information about venues or events proximal to a current location of the user (**¶0053: "the event recommendation module 122 is adapted to determine what media content item the user is currently accessing, and based on the user's location, provide the user with upcoming events that are associated with the currently accessed content item"; ¶0062: "In the determination operation 212, the consumer's profile and the information in the event datastore are compared to identify any events that are associated with the media content item."; Fig. 4 : 408; ¶0082: "selection operation 408 selects an event from the event database for display to the consumer."**);

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user (**Fig. 4 : 410; ¶0082: "Based on the comparison, a selection operation 408 selects an event from the event database for display to the consumer."**);

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and communicate the recommendation to the user (**¶0062: "if an event associated with the media content item is found by the determination operation 212, then a notification is transmitted to the consumer in a transmit notification operation 214."; Fig. 3 : 334 and 4 : 412; ¶0085**).

Spiegelman <u>does not</u> disclose:

the media being stored on a portable media player device or accessed using the portable media player device; and

infer one or more entertainment preferences of a user of the portable media player device based at least in part on … a plurality of media content types of the media stored on or accessed by the portable media player device.

Baudino teaches:

the media being stored on a portable media player device or accessed using the portable media player device (**Baudino, ¶0005: "In a computer device such as a desktop or <u>notebook</u> that can also play all types of media"**).

infer one or more entertainment preferences of a user of the portable media player device based at least in part on … a plurality of media content types of the media stored on or accessed

by the portable media player device (**Baudino, ¶0005: "In a computer device such as a desktop or notebook that can also play all types of media (movies, songs, etc) and have the ability to download music, movies, and other data, such a system can collect and track all media played and generate favorites/preferences for media played (songs, movies, etc.), collect user's habits (volume, music web sites used, etc), collect user's preferred media applications, features, media, media web sites, etc., or create profiles of user's taste and listening/watching behaviors."**).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Spiegelman's event recommendation system based on user preferences to use to determine the taste of a user based on a plurality of media items stored on a user's device, as disclosed in Baudino.

The motivation is to more accurately establish a user's music taste by actually looking at the media items that are stored on a device.

Regarding claim 26:

The combination Spiegelman and Martin discloses:

The one or more MTCRM of claim 21, wherein execution of the instructions are further to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device (**Spiegelman, ¶0055: "In this embodiment, for an event to be selected, the module 122 must determine that the consumer is collocated with the event location and has extensively consumed media content items in the recent past that are directly related with the event data (e.g., the artist of the event is the same artist as media content items that are clearly**

favorites of the consumer based on the consumer's consumption history). In an alternative embodiment, an operator of the event recommendation module 122 may wish to notify a consumer of as many events as possible. In this embodiment, for an event to be selected, the module 122 may only determine that the consumer's location is within some distance of the event location").

Regarding claim 29:

The combination Spiegelman and Martin discloses:

The one or more MTCRM of claim 21, wherein to control communication of the recommendation, execution of the instruction is to cause the computer server to: control transmission of the recommendation to the portable media player device (**Spiegelman: Fig. 3; ¶0077: "The GUI further includes a recommended events area 306 that illustrates a notification of one or more recommended events. In the GUI 300 shown, a notification concerning the Rolling Stones, which also happens to be the artist of the media content item being rendered, is displayed. The event data includes the date, time, location, and description of the event. In addition, a hyperlink 334 to a map to the location is provided. A promotional element is also further provided, in this example a greatly reduced ticket price if the consumer purchases tickets through the media server via a hyperlink 332 to a ticket purchase web page."**).

Regarding claim 30:

The combination Spiegelman and Martin discloses:

The one or more MTCRM of claim 29, wherein to control transmission the recommendation of the recommendation, execution of the instruction is to cause the computer server to:

control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or by placing a phone call to the user (**Spiegelman, ¶0020: "If the network is a mobile telephone network such as a Global System for Mobile Communications (GSM) network, communications may comply with some other communication protocol such as the Short Message Service (SMS) Point-to-Point protocol."; ¶0073: "or a text message to the consumer's device with the event notification."**).

Regarding claim 31:

The combination Spiegelman and Martin discloses:

The one or more NTCRM of claim 21, wherein execution of the instructions further cause the computer server to:

obtain the plurality of media or the information about the media from a storage within the computer server (**Spiegelman, ¶0033: "The media server 118 may also include a user database 170 of user information. The user information database 170 includes information about users that is collected from users, such as media consumers accessing the media server 118 with a rendering device, or generated by the media server 118 as the user interacts with the media server 118. In one embodiment, the user information database 170 includes user information such as user name, gender, e-mail and other addresses, user preferences, etc. that the user may provide to the media server 118."**); or

control receipt of the media or the information about the media from a remote storage device (**Spiegelman, ¶0033**).

Regarding claim(s) 37, 40, 42, 43, 45 and 46:

A corresponding reasoning as given earlier in this section (see rejection of claim(s) 21, 26 and 29-31) applies, mutatis mutandis, to the subject-matter of claim(s) 37, 40, 42, 43, 45 and 46, and therefore is/are also considered rejected under the grounds given in the rejection of claim(s) 21, 26 and 29-31.

In other words, all citations rendered in the rejection of claim(s) 21, 26, 29 and 30-31 are applicable to corresponding limitations of claim(s) 37, 40, 42, 43, 45 and 46.

5. Claim(s) 22-23 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20080154696 A1 (hereinafter "Spiegelman"), and in view of U.S. Patent Application Publication No. 2006/0123080 A1 (hereinafter "Baudino"), and further in view of U.S. Patent Application Publication No. 2009/0222392 A1 (hereinafter "Martin").

Regarding claim 22:

The combination of Spiegelman and Baudino discloses:

The one or more NTRCM of claim 21.

The combination Spiegelman and Baudino further discloses:

wherein the plurality of media types comprises music media (**¶0056**), podcast media (**¶0029**), and video media (**¶0056**).

The combination Spiegelman and Baudino does not disclose:

textual media and image media.

However, Martin further discloses:

textual media (**¶0043: "e-book"**) and image media (**¶0043: "picture"**).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Spiegelman's event recommendation system, in view of Baudino, based on user preferences to include additional categories of media such as text media and image media, as taught by Martin.

The motivation is to enhance the user experience by benefiting from Spiegelman's invention by extending into other categories of media such as e-books and pictures.

<u>Regarding claim 23:</u>

The combination Spiegelman, Baudino and Martin discloses:

The one or more NTCRM of claim 22, wherein to generate the recommendation, execution of the instructions is to cause the computer server to:

generate the recommendation based at least in part on:

a genre of music of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device (**Spiegelman, ¶0056; Martin, ¶0043**);

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device, wherein the video is a media type of the plurality of media types (**Spiegelman, ¶0056; Martin, ¶0043**);

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device (**Martin, ¶0043**); and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device (**Spiegelman, ¶0029**).

Regarding claim(s) 38 and 44:

A corresponding reasoning as given earlier in this section (see rejection of claim(s) 22, 23) applies, mutatis mutandis, to the subject-matter of claim(s) 38 and 44, therefore is/are also considered rejected under the grounds given in the rejection of claim(s) 22 and 23.

6. Claims 27-28 and 43 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter "Spiegelman") in view of U.S. Patent Application Publication No. 2006/0123080 A1 (hereinafter "Baudino"), and further in view of US 7,310,532 B1 (hereinafter "Knauerhase").

Regarding claim 27:

Although the combination Spiegelman and Baudino does not disclose the following limitation(s), Knauerhase discloses the following limitation(s):

The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive the current location of the media player device from the media player device (**Col. 4 Ln. 56-67: "The location of a mobile device may be specified in terms of the hotspot-access point that connects the mobile device to network 110."**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman in view of Baudino to obtain the current location of a media player device, as taught in Knauerhase.

The motivation is to locate the user of a media player in real time.

Regarding claim 28:

The combination Spiegelman, Baudino and Knauerhase teaches:

The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive a current location of the media player device from an access point through which the media player device establishes a network connection to the computer server (**Knauerhase: Col. 4 Ln. 55-67**).

7. Claims 39 and 41 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter "Spiegelman") in view of U.S. Patent Application Publication No. 2006/0123080 A1 (hereinafter "Baudino"), and further in view of US 8,611,920 B2 (hereinafter "Lau").

Regarding claim 39:

Although the combination Spiegelman and Baudino does not disclose the following limitation(s), Lau discloses the following limitation(s):

The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to: determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and generate the location information to include the GPS coordinate (**Col. 5 Ln. 13-46**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman in view of Baudino to obtain the current location of a media player device using GPS, as taught in Lau.

The motivation is to more accurately locate a device using the well-established method of GPS location.

Regarding claim 41:

Although the combination Spiegelman and Baudino does not disclose the following limitation(s), Lau discloses the following limitation(s):

The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device (**Col. 7 Ln. 54-67**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman in view of Baudino to obtain the current location of a media player using it's past locations, as taught in Lau.

The motivation is to locate a device by using previously known positions as it conserves energy and also can be used in situations where there is poor signal reception.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER LAGOR whose telephone number is (571)270-5143. The examiner can normally be reached on Monday thru Friday, 9:00 AM to 5:00 PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashokkumar B. Patel can be reached on (571) 272-3972. 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.

/ALEXANDER LAGOR/
Primary Examiner, Art Unit 2491

Notice of References Cited	Application/Control No. 14/860,339	Applicant(s)/Patent Under Reexamination Feldman et al.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20060123080-A1	06-2006	Baudino; Daniel A.	H04L67/306	709/204
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC 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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04W4/021*	4/13/2017 (Updated: 9/6/2017)	AL (Updated: AL)

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor's search - see EAST search notes	4/13/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	4/13/2017 (Updated: 10/3/2017)	AL (Updated: AL)
NPL (STIC) - see search history printout	9/7/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	02/13/2018	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	05/29/2018	AL

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
H04W	4/021,4/028	9/8/2017	AL
G06F	17/30867	9/8/2017	AL
G06Q	30/02	9/8/2017	AL

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
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	ALEXANDER LAGOR	2491

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

CLAIMS

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

CLAIM		DATE								
Final	Original	04/13/2017	10/03/2017	02/13/2018	05/29/2018					
	1	-	-	-	-					
	2	-	-	-	-					
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	25	✓	✓	-	-					
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	36	✓	✓	-	-					
	37			✓	✓					
	38			✓	✓					
	39			✓	✓					
	40			✓	✓					
	41			✓	✓					
	42			✓	✓					

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
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	Examiner	**Art Unit**
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CLAIM		DATE								
Final	Original	04/13/2017	10/03/2017	02/13/2018	05/29/2018					
	43			✓	✓					
	44			✓	✓					
	45			✓	✓					
	46			✓	✓					

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	51	(taste preference) near5 (songs media) near5 stored near5 device & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 12:13
L2	2	(taste preference) near5 (songs media) near5 type near5 stored near5 device & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 12:21
L3	554	(taste preference) near5 (songs media) near5 type & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 12:21
L4	129	(taste preference) near5 (songs media) near5 type near5 (device computer computing PC player) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 12:22
L5	35	user near5 (taste preference) near5 (songs media) near5 type near5 (device computer computing PC player) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 13:41
L6	297	user near5 taste near5 (songs media) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:34
L7	188	user near5 taste near5 (songs media video) & (music song) & video & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:36

EAST Search History (Prior Art)

L8	193	user near5 taste near5 (songs media video) & (music song) & (movie video) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:36
L9	410	user near5 taste near5 (songs music movie media video) & (music song) & (movie video) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:37
L10	64	user near5 taste near5 (songs music movie media video) near5 (downloaded stored hardisk search searching searched) & (music song) & (movie video) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:38
L11	32	user near5 taste same (songs music) same (movie video) same (downloaded stored hardisk search searching searched) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:40
L12	39	user near5 taste same (songs music) same (movie video) same (downloaded stored hardisk harddrive storage search searching searched) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/05/29 14:41

EAST Search History (Interference)

		<This search history is empty>				

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	Filing Date	
14/860,339	09/21/2015	☐ 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

05/16/2018	(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 $100 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	x $460 =	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
PATIENCE RESPER

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/30EFS (07-14)
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	14/860,339	Filing Date	2015-09-21	Docket Number (if applicable)	120083-204973 (07-0035C)	Art Unit	2491
First Named Inventor	Even Feldman			Examiner Name	Alexander LAGOR		

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, to any international application that does not comply with the requirements of 35 U.S.C. 371, 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 500393

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

X Patent Practitioner Signature

Applicant Signature

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Signature of Registered U.S. Patent Practitioner			
Signature	/Ryan N. Strauss/	Date (YYYY-MM-DD)	2018-05-16
Name	Ryan N. Strauss	Registration Number	68392

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

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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:

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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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Even Feldman	Examiner: Alexander LAGOR
Application No.: 14/860,339	Group Art Unit: 2491
Filing Date: September 21, 2015	Confirmation No.: 4893
For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

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PO Box 1450
Alexandria, VA 22313-1450

RESPONSE IN SUPORT OF REQUEST FOR CONTINUED EXAMINATION

This paper is filed in response to the Final Office Action having a notification date of February 16, 2018 and the Advisory Action having a notification date of May 4, 2018. Entry of the following claims and consideration of the following remarks is respectfully requested.

Amendments to the Claims begin on page **2**.

Remarks begin on page **9**.

AMENDMENTS TO THE CLAIMS

1-20. (Canceled)

21. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) comprising instructions written thereon that, in response to execution by one or more processors of a computer server, cause the computer server to:

control receipt of media or information about the media, the media being stored on a portable media player device or accessed using the portable media player device;

infer one or more entertainment preferences of a user of the portable media player device~~,~~ based at least in part on the retrieved media, the retrieved information about the media, and ~~one or more~~a plurality of media content types of the media stored on or accessed by the portable media player device~~, one or more entertainment preferences of a user of the portable media player device~~;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

control communication of the recommendation to the user.

22. (Currently Amended) The one or more NTCRM of claim 21, wherein the plurality of media content types comprises textual media, image media, music media, podcast media, and video media.

23. (Currently Amended) The one or more NTCRM of claim 22, wherein, to generate the recommendation, execution of the instructions is to cause the computer server to:

generate the recommendation based at least in part on:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device;

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device, wherein the video media is a media content type of the plurality ~~or~~ of media content types;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device.

24-25. (Cancelled)

26. (Previously Presented) The one or more NTCRM of claim 21, wherein execution of the instructions are further to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device.

27. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

control receipt of the location information portable media player device or from a wireless access point through which the portable media player device has established a network connection with the computer server; and

determine a current location of the portable media player device based on the location information.

28. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on known current locations of other portable media player devices in communication with the computer server.

29. (Previously Presented) The one or more NTCRM of claim 21, wherein, to control communication of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of the recommendation to the portable media player device.

30. (Previously Presented) The one or more NTCRM of claim 29, wherein, to control transmission of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call to the user.

31. (Previously Presented) The one or more NTCRM of claim 21, wherein execution of the instructions are to further cause the computer server to:

obtain the media or the information about the media from a storage within the computer server; or

control receipt of the media or the information about the media from a remote storage device.

32-36. (Cancelled)

37. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) comprising instructions that, when executed by one or more processors of a portable media player device, cause the portable media player device to:

operate a media player application to access media from a local storage of the portable media player device or a remote storage;

establish a network connection with a server, the server to provide location and preference based venue or event recommendations;

control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user, and wherein:

the recommendation is based on one or more inferred preferences of the user and the location information,

the inferred preferences are based at least in part on the accessed media, media content types of the accessed media from among a plurality of media content types, and information about the accessed media, and

the event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current location of the user.

38. (Currently Amended) The one or more NTCRM of claim 37, wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and wherein the recommendation is based on one or more of:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device;

a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based on video media stored in, or accessed using, the portable media player device;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device.

39. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and

generate the location information to include the GPS coordinate.

40. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

obtain a user input indicating a current location of the portable media player device or a desired location of the portable media player device; and

generate the location information to indicate the user input.

41. (Previously Presented) The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device.

42. (Previously Presented) The one or more NTCRM of claim 37, wherein, to receive the recommendation, execution of the instructions is to cause the portable media player to:

control receipt of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call, wherein the recommendation is included in the SMS message, email message, pager message, the facsimile message, or the call.

43. (Currently Amended) A computer server to provide location and preference based venue or event recommendations, the computer server comprising:

a communications interface to receive media or information about the media from a remote storage device, wherein the media is stored by the portable media player device or the media is remotely accessed using the portable media player device; and

one or more processors communicatively coupled with the communications interface, the one or more processors to:

infer one or more preferences of a user of the portable media player device based at least in part on the received media or the information about the media, and media content types of the media accessed by the portable media player device from among a plurality of media content types;

infer a current location of the user of the portable media player device based on obtained location information associated with the portable media player device;

access one or more sources of information about venues or events proximal to a current location of the portable media player device;

identify at least one of the venues or events to be a venue or event of interest to the user based on the one or more inferred preferences and the current location of the portable media player device;

generate a recommendation to indicate the venue or event of interest; and

control the communication interface to send the recommendation to the portable media player device via of one or more of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call.

44. (Currently Amended) The computer server of claim 43, wherein the plurality of media content types comprises textual media, image media, audio media, and video media, and wherein the one or more processors are to generate the recommendation based on one or more of:

a genre of music played at the venue or event of interest and a music genre preference of the one or more inferred preferences;

a genre of a play or movie played at the venue or event of interest, respectively, and a video genre preference of the one or more inferred preferences;

a genre of painting or photo exhibited at the venue or event of interest and an image genre preference of the one or more inferred preferences; and

a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and a subject preference of the one or more inferred preferences.

45. (Previously Presented) The computer server of claim 43, wherein:

the communication interface is to receive the location information from the portable media player device or from an access point through which the portable media player device establishes a network connection with the computer server; and

the one or more processors are to: determine a current location of the portable media player device based on the location information, and infer the current location of the user based on the determined current location of the portable media player device.

46. (Previously Presented) The computer server of claim 43, wherein, to infer the current location, the one or more processors are to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on current locations of other portable media player devices in communication with the computer server; and

infer the current location of the user based on the determined current location of the portable media player device.

END OF CLAIMS LISTING

REMARKS

The claims have been variously amended as shown above. Claims 1-20, 24-25, and 32-36 were previously cancelled without prejudice or disclaimer. No claims are newly added or presently cancelled. No new matter is added. Claims 21-23, 26-31, and 37-46 are pending. The above claim amendments were made for purposes of clarity and not to obviate any of the art-grounds of rejection presented in the Final Office Action. Favorable reconsideration of the present application, in light of the previous amendments and the following remarks, is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2123, 26-31, and 37-46 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 2008/0154696 ("*Spiegelman*") in view of various combinations of U.S. Pat. Pub. 2009/0222392 ("*Martin*"), U.S. Pat. No. 7,310,532 ("*Knauerhase*"), and U.S. Pat. No. 8,611,920 ("*Lau*"). These rejections are traversed for the reasons detailed below.

The cited art, individually or in any combination, fail to disclose or suggest "infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and <u>a plurality of media content types</u> of the media stored on or accessed by the portable media player device" as recited by claim 21 (emphasis added).

The Office Action at page 6 concedes that *Spiegelman* fails to disclose "infer based at least in part on ... one or more plurality of media types of the media stored on or accessed by the portable media player device, one or more entertainment preferences of a user of the portable media player device." However, at pages 6-7, the Office Action asserts that *Martin* at paragraphs [0044], [0047], and [0055] discloses the aforementioned feature previously recited by claim 21. Furthermore, the Advisory Action asserts that,

> With regards to inferring a user's music taste based on the "media stored" on a device, para. 0145 of Martin discloses media items being stored in a jukebox being used to infer a playlist and taste preferences.
>
> However, the claim limitation also calls for inferring the user's music taste based on media "accessed by the portable media player". Here the prior office action specifically discloses in para.0044 how "playcounts " are relied upon by Martin to discover a user's taste. Examiner therefore does not agree with

applicant's argument that "playcounts" are not indications of media items "accessed by the portable media player".

The cited portions of *Martin* discuss a system that provides recommendations of mediasets for a given group of users. The mediaset is an encoded form of a user's taste, where a user's stored playlists and playcounts are used for a taste analysis of that user. A user's taste may be a collection of the most relevant taste data considering that user's playlists and playcounts. At paragraph [0145], *Martin* discusses that playlist may be developed using the taste data from media items stored in a central database or jukebox.

Although the cited sections of *Martin* discuss performing user taste analyses based on user playlists and playcounts to provide mediaset recommendations, nothing in *Martin* discloses or suggests that the mediaset recommendations are based on the type of media content accessed or stored by the user. Indeed, claim 1 recites that particular types of media content (e.g., audio, video, text, etc.) is used to infer a user's entertainment preferences, whereas *Martin* is only concerned with identifying a user's taste (i.e., preference for a particular genre) for one type of content (e.g., audio/music).

There is no focused and specific examples within *Martin* that utilize a plurality of media content types stored or accessed by a user for recommending mediasets to the user or group of users. Instead, the mediaset recommendations provided by *Martin*'s system are based on stored playlists and playcounts for a single type of media content, namely audio. This is evidenced by the numerous references to music-related terms, such as a recommender engine to "propose mediasets to discover new music" at paragraph [0078], reference to the "jukebox" at paragraph [0145], use cases involving a disco, bar, or a nightclub at paragraph [0182], as well as the discussion of issues related to selecting music at paragraph [0233]. Accordingly, *Martin* cannot render amended claim 21 obvious because Martin fails to teach or suggest "infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and <u>a plurality of media content types</u> of the media stored on or accessed by the portable media player device."

Moreover, *Knauerhase* and *Lau* are not relied upon as teaching the aforementioned feature of claim 21 and neither *Knauerhase* nor *Lau* disclose or suggest this feature.

Accordingly, the cited art, alone or in any combination, fail to disclose or suggest all the elements of amended claim 21, and thus, a *prima facie* case of obviousness has not been

established with respect to amended claim 21. The remaining claims either depend from or recite similar subject matter as amended claim 21, and are patentable for reasons at least the reasons discussed above with regard to amended claim 21. Accordingly, reconsideration and withdrawal of the rejections under §102 and §103 is respectfully requested.

CONCLUSION

All pending claims are believed to be in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at 1-(503)796-2441 if the Examiner believes that an interview might be useful for any reason. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

Date: May 16, 2018

By: */Ryan N. Strauss/*
Ryan N. Strauss, Reg. No.: 68,392

Electronic Patent Application Fee Transmittal

Application Number:	14860339
Filing Date:	21-Sep-2015
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Filer:	Ryan Nathan Strauss/Enoy Lawless
Attorney Docket Number:	120083-204973 (07-0035C)

Filed as Large 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:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE- 1ST REQUEST	1801	1	1300	1300
		Total in USD ($)		**1300**

Electronic Acknowledgement Receipt

EFS ID:	32645277
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	16-MAY-2018
Filing Date:	21-SEP-2015
Time Stamp:	18:13:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$1300
RAM confirmation Number	051718INTEFSW00004884500393
Deposit Account	500393
Authorized User	Enoy Lawless

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

37 CFR 1.19 (Document supply fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	Varia_07-0035C_RCE-TRANS_05-16-18.pdf	1349879 5751eb548df135b18e2a0520ca0feb47984d8ca1	no	3
Warnings:					
Information:					
2		Varia-07-0035C_RCE-RESPONSE-05_16_18.pdf	149605 e1f4331f05fe8f5713c4f30542e978cf88551344	yes	11

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	8
Applicant Arguments/Remarks Made in an Amendment	9	11

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30687 4f30330411500adcfe571ad4e235f6311201f4b6	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1530171	

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

25943 7590 05/04/2018
Schwabe Williamson & Wyatt
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1211 SW FIFTH AVENUE
PORTLAND, OREGON 97204
UNITED STATES OF AMERICA

EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
05/04/2018	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):

IPDocketing@SCHWABE.com
patent@schwabe.com

PTOL-90A (Rev. 04/07)

Advisory Action Before the Filing of an Appeal Brief	Application No. 14/860,339	Applicant(s) Feldman et al.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	AIA Status No

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

THE REPLY FILED 10 April 2018 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 ____ 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 APPLICANTS 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 37CFR 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 37CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicants 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 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:21-23,26-31 and 37-46.
    Claim(s) withdrawn from consideration:_____.

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

Continuation of REQUEST FOR RECONSIDERATION/OTHER 12. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

On pg. 10 of remarks received 04/10/2018, applicant argues:

"The cited portions of Martin discuss a system that provides recommendations of mediasets for a given group of users. The mediaset is an encoded form of a user's taste, where a user's stored playlists and playcounts are used for a taste analysis of that user. A user's taste may be a collection of the most relevant taste data considering that user's playlists and playcounts.
Although the cited sections of Martin discuss performing user taste analyses based on user playlists and playcounts to provide mediaset recommendations, nothing in Martin discloses or suggests that the mediaset recommendations are based on the type of media accessed or stored by the user. Indeed, there is no focused and specific examples within Martin that utilize media types stored or accessed by a user for recommending mediasets to the user or group of users. Instead, the mediaset recommendations provided by Martin's system are based on stored playlists and playcounts. See Martin at paragraphs [0049] and [0055]. "

Examiner respectfully disagrees.

The claims call for "infer based at least in part on ... one or more plurality of media types of the media stored on <u>or accessed by the portable media player device</u>".

With regards to inferring a user's music taste based on the "media stored" on a device, para. 0145 of Martin discloses media items being stored in a jukebox being used to infer a playlist and taste preferences .

However, the claim limitation also calls for inferring the user's music taste based on media "accessed by the portable media player". Here the prior office action specifically discloses in para.0044 how "playcounts " are relied upon by Martin to discover a user's taste. Examiner therefore does not agree with applicant's argument that "playcounts" are not indications of media items "accessed by the portable media player".

For this reason the previous rejection is maintained.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Even Feldman

Application No.: 14/860,339

Filing Date: September 21, 2015

For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Examiner: Alexander LAGOR

Group Art Unit: 2491

Confirmation No.: 4893

Mail Stop **AF**
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER-FINAL REJECTION

This paper is filed in response to the Final Office Action having a notification date of February 16, 2018. Entry of the following claims and consideration of the following remarks is respectfully requested.

Amendments to the Claims begin on page **2**.

Remarks begin on page **9**.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Even Feldman	Examiner: Alexander LAGOR
Application No.: 14/860,339	Group Art Unit: 2491
Filing Date: September 21, 2015	Confirmation No.: 4893
For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

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Amendments to the Claims begin on page **2**.

Remarks begin on page **9**.

AMENDMENTS TO THE CLAIMS

1-20. (Canceled)

21. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) comprising instructions written thereon that, in response to execution by one or more processors of a computer server, cause the computer server to:

control receipt of media or information about the media, the media being stored on a portable media player device or accessed using the portable media player device;

infer one or more entertainment preferences of a user of the portable media player device~~,~~ based at least in part on the retrieved media, the retrieved information about the media, and one or more plurality of media types of the media stored on or accessed by the portable media player device~~, one or more entertainment preferences of a user of the portable media player device~~;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

control communication of the recommendation to the user.

22. (Previously Presented) The one or more NTCRM of claim 21, wherein the plurality of media types comprises textual media, image media, music media, podcast media, and video media.

23. (Previously Presented) The one or more NTCRM of claim 22, wherein, to generate the recommendation, execution of the instructions is to cause the computer server to:

generate the recommendation based at least in part on:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device;

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device, wherein the video media is a media type of the plurality or media types;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device.

24-25. (Cancelled)

26. (Previously Presented) The one or more NTCRM of claim 21, wherein execution of the instructions are further to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device.

27. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

control receipt of the location information portable media player device or from a wireless access point through which the portable media player device has established a network connection with the computer server; and

determine a current location of the portable media player device based on the location information.

28. (Previously Presented) The one or more NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on known current locations of other portable media player devices in communication with the computer server.

29. (Previously Presented) The one or more NTCRM of claim 21, wherein, to control communication of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of the recommendation to the portable media player device.

30. (Previously Presented) The one or more NTCRM of claim 29, wherein, to control transmission of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call to the user.

31. (Previously Presented) The one or more NTCRM of claim 21, wherein execution of the instructions are to further cause the computer server to:

obtain the media or the information about the media from a storage within the computer server; or

control receipt of the media or the information about the media from a remote storage device.

32-36. (Cancelled)

37. (Previously Presented) One or more non-transitory computer-readable media (NTCRM) comprising instructions that, when executed by one or more processors of a portable media player device, cause the portable media player device to:

operate a media player application to access media from a local storage of the portable media player device or a remote storage;

establish a network connection with a server, the server to provide location and preference based venue or event recommendations;

control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user, and wherein:

the recommendation is based on one or more inferred preferences of the user and the location information,

the inferred preferences are based at least in part on the accessed media, media types of the accessed media from among a plurality of media types, and information about the accessed media, and

the event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current location of the user.

38. (Previously Presented) The one or more NTCRM of claim 37, wherein the plurality of media types comprises textual media, image media, audio media, and video media, and wherein the recommendation is based on one or more of:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device;

a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based on video media stored in, or accessed using, the portable media player device;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device.

39. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and

generate the location information to include the GPS coordinate.

40. (Previously Presented) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

obtain a user input indicating a current location of the portable media player device or a desired location of the portable media player device; and

generate the location information to indicate the user input.

41. (Previously Presented) The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device.

42. (Previously Presented) The one or more NTCRM of claim 37, wherein, to receive the recommendation, execution of the instructions is to cause the portable media player to:

control receipt of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call, wherein the recommendation is included in the SMS message, email message, pager message, the facsimile message, or the call.

43. (Previously Presented) A computer server to provide location and preference based venue or event recommendations, the computer server comprising:

a communications interface to receive media or information about the media from a remote storage device, wherein the media is stored by the portable media player device or the media is remotely accessed using the portable media player device; and

one or more processors communicatively coupled with the communications interface, the one or more processors to:

infer one or more preferences of a user of the portable media player device based at least in part on the received media or the information about the media, and media types of the media accessed by the portable media player device from among a plurality of media types;

infer a current location of the user of the portable media player device based on obtained location information associated with the portable media player device;

access one or more sources of information about venues or events proximal to a current location of the portable media player device;

identify at least one of the venues or events to be a venue or event of interest to the user based on the one or more inferred preferences and the current location of the portable media player device;

generate a recommendation to indicate the venue or event of interest; and

control the communication interface to send the recommendation to the portable media player device via of one or more of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call.

44. (Previously Presented) The computer server of claim 43, wherein the plurality of media types comprises textual media, image media, audio media, and video media, and wherein the one or more processors are to generate the recommendation based on one or more of:

a genre of music played at the venue or event of interest and a music genre preference of the one or more inferred preferences;

a genre of a play or movie played at the venue or event of interest, respectively, and a video genre preference of the one or more inferred preferences;

a genre of painting or photo exhibited at the venue or event of interest and an image genre preference of the one or more inferred preferences; and

a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and a subject preference of the one or more inferred preferences.

45. (Previously Presented) The computer server of claim 43, wherein:

the communication interface is to receive the location information from the portable media player device or from an access point through which the portable media player device establishes a network connection with the computer server; and

the one or more processors are to: determine a current location of the portable media player device based on the location information, and infer the current location of the user based on the determined current location of the portable media player device.

46. (Previously Presented) The computer server of claim 43, wherein, to infer the current location, the one or more processors are to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on current locations of other portable media player devices in communication with the computer server; and

infer the current location of the user based on the determined current location of the portable media player device.

END OF CLAIMS LISTING

REMARKS

The claims have been variously amended as shown above. Claims 1-20, 24-25, and 32-36 were previously cancelled without prejudice or disclaimer. No claims are newly added or presently cancelled. No new matter is added. Claims 21-23, 26-31, and 37-46 are pending. The above claim amendments were made for purposes of clarity and not to obviate any of the art-grounds of rejection presented in the Final Office Action. Favorable reconsideration of the present application, in light of the previous amendments and the following remarks, is respectfully requested.

Entry of Amendment After Final Rejection

Entry of the present Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2123, 26-31, and 37-46 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 2008/0154696 ("*Spiegelman*") in view of various combinations of U.S. Pat. Pub. 2009/0222392 ("*Martin*"), U.S. Pat. No. 7,310,532 ("*Knauerhase*"), and U.S. Pat. No. 8,611,920 ("*Lau*"). These rejections are traversed for the reasons detailed below.

The cited art, individually or in any combination, fail to disclose or suggest "infer one or more entertainment preferences of a user of the portable media player device based at least in part on the retrieved media, the retrieved information about the media, and one or more plurality of media types of the media stored on or accessed by the portable media player device" as recited by claim 21.

The Office Action at page 6 concedes that *Spiegelman* fails to disclose "infer based at least in part on ... one or more plurality of media types of the media stored on or accessed by the portable media player device, one or more entertainment preferences of a user of the portable media player device." However, at pages 6-7, the Office Action asserts that *Martin* at paragraphs [0044], [0047], and [0055] discloses the aforementioned feature previously recited by claim 21.

The cited portions of *Martin* discuss a system that provides recommendations of mediasets for a given group of users. The mediaset is an encoded form of a user's taste, where a user's stored playlists and playcounts are used for a taste analysis of that user. A user's taste may be a collection of the most relevant taste data considering that user's playlists and playcounts.

Although the cited sections of *Martin* discuss performing user taste analyses based on user playlists and playcounts to provide mediaset recommendations, nothing in *Martin* discloses or suggests that the mediaset recommendations are based on the type of media accessed or stored by the user. Indeed, there is no focused and specific examples within *Martin* that utilize media types stored or accessed by a user for recommending mediasets to the user or group of users. Instead, the mediaset recommendations provided by *Martin*'s system are based on stored playlists and playcounts. See *Martin* at paragraphs [0049] and [0055].

Moreover, *Knauerhase* and *Lau* are not relied upon as teaching the aforementioned feature of claim 21 and neither *Knauerhase* nor *Lau* disclose or suggest this feature.

Accordingly, the cited art, alone or in any combination, fail to disclose or suggest all the elements of amended claim 21, and thus, a *prima facie* case of obviousness has not been established with respect to amended claim 21. The remaining claims either depend from or recite similar subject matter as amended claim 21, and are patentable for reasons at least the reasons discussed above with regard to amended claim 21. Accordingly, reconsideration and withdrawal of the rejections under §102 and §103 is respectfully requested.

CONCLUSION

All pending claims are believed to be in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at 1-(503)796-2441 if the Examiner believes that an interview might be useful for any reason. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

Date: April 10, 2018

By: */Ryan N. Strauss/*
Ryan N. Strauss, Reg. No.: 68,392

Electronic Acknowledgement Receipt

EFS ID:	32301149
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	10-APR-2018
Filing Date:	21-SEP-2015
Time Stamp:	18:23:31
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		Varia-07-0035C_Amend-AF_04_10_18.pdf	145215 1b9d998575a44fa4023b6e8b72a475f65e506a49	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response After Final Action	1	1
	Claims	2	8
	Applicant Arguments/Remarks Made in an Amendment	9	10

Warnings:	
Information:	
Total Files Size (in bytes):	145215

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)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	
14/860,339	09/21/2015	☐ 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 04/10/2018

	(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 $100 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	x $460 =	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
KIM P. DOZIER

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.

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S140	28	GPS near5 location near5 (wireless portable mobile) near5 device same media & location near5 (past previous history) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/13 22:02
S139	0	GPS near5 location near5 portable near5 device same media & location near5 (past previous history) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/13 22:01
S138	0	GPS near5 location near5 portable near5 device same media & location near5 (previous history) & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/13 22:01
S135	32	GPS near5 location near5 portable near5 device same media & (@ad<"20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/13 10:09
S134	40	GPS near5 location near5 portable near5 device same media & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/13 10:09
S133	494	GPS near5 location near5 portable near5 device & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/13 10:08
S132	28	user near5 (physical measuring detecting) near2 (presence present) near5 (desktop device laptop mobile) same user near5 activity & (download$4 malicious malware spyware virus worm security) & (@ad<"20160610" @rlad<"20160610" & @ad>="20160610" @pd<"20160610")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2018/02/12 12:12

EAST Search History (Prior Art)

S131	0	user near5 (physical measuring detecting) near2 (presence present) near5 (desktop device laptop mobile) same user near5 activity same (download$4 malicious malware spyware virus worm security) & (@ad<"20160610" @rlad<"20160610" & @ad>="20160610" @pd<"20160610")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2018/02/12 12:12
S130	51	user near5 (physical measuring detecting) near2 (presence present) near5 (desktop device laptop mobile) same user near5 activity & (@ad<"20160610" @rlad<"20160610" & @ad>="20160610" @pd<"20160610")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2018/02/12 12:11
S129	36	user near5 (physical measuring detecting) near2 (presence present) near5 (desktop device laptop mobile) same user near5 activity & (@ad<"20160610" @rlad<"20160610" & @ad>="20160610" @pd<"20160610")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2018/02/12 12:09
S128	13	user near5 physical near2 (presence present) near5 (desktop device laptop mobile) same user near5 activity & (@ad<"20160610" @rlad<"20160610" & @ad>="20160610" @pd<"20160610")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2018/02/12 12:09
S127	7	S126 & (726/22-25).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2018/02/12 12:05
S126	465	user near5 (presence present) near5 (desktop device laptop mobile) same user near5 activity & (@ad<"20160610" @rlad<"20160610" & @ad>="20160610" @pd<"20160610")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	OFF	2018/02/12 12:03
S125	76	S122 NOT S124	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 16:03
S124	13	recommend$4 near5 (concerts events venues) & (music media songs) near5 (library stored storage) same (playlist play adj2 count playcount) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:59

EAST Search History (Prior Art)

S123	2	recommend$4 near5 (concerts events venues) same (music media songs) near5 (library stored storage) same (playlist play adj2 count playcount) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:58
S122	78	recommend$4 near5 (music media songs) same (music media songs) near5 (library stored storage) same (playlist play adj2 count playcount) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:58
S121	34	recommend$4 near5 ((music media songs) near5 (library stored storage) taste) & taste near10 (playlist play adj2 count) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:56
S120	25	recommend$4 near5 (music media songs) near5 (library stored storage) same (playlist play adj2 count) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:54
S119	2	(11/346818).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2018/02/10 15:41
S118	1	(12/278148).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2018/02/10 15:18
S117	115	S115 NOT S116	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:14
S116	182	S115 NOT S114	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:14

EAST Search History (Prior Art)

S115	297	recommend$4 near5 (music media songs) near5 (library stored storage) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:14
S114	115	recommend$4 near5 (music media songs) near5 (library stored storage) & portable & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 15:12
S113	14	recommend$4 near5 (music media songs) near5 (library stored storage) same portable & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 13:30
S112	297	recommend$4 near5 (music media songs) near5 (library stored storage) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/10 13:30
S111	297	recommend$4 near5 (music media songs) near5 (library stored storage) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/09 13:27
S110	1	("20040107821").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2018/02/09 13:24
S109	28	recommend$4 near5 (music media) near2 (preference taste like) near5 (user consumer) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/09 12:38
S108	0	recommend$4 near5 (venue events) near5 (music media) near2 (preference taste like) near5 (user consumer) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2018/02/09 12:14

EAST Search History (Prior Art)

S107	2	("20150296347").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/10/03 11:04
S106	89	(portable mobile) near5 current near5 location near5 (access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:50
S105	1314	(portable mobile) near5 location near5 (access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:49
S104	1912	(portable mobile) near5 location near5 (router access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:49
S103	3799	(portable mobile) same location near5 (router access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:24
S99	20	recommend$4 near5 podcast & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/02 18:00
S96	62	recommend$4 near5 painting & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/02 17:51

EAST Search History (Prior Art)

S95	2	S91 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:11
S94	2898	((media music songs pictures photos movies pics content) same (suggest$ recommend$5 propos$4 display$4 notify$4 alert$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) same (user consumer) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:10
S93	0	S92 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:09
S92	189	((media music songs pictures photos movies pics content) same (suggest$ recommend$5 propos$4 display$4 notify$4 alert$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) near5 (user consumer) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:08
S91	5640	((media music songs pictures photos movies pics content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:07
S90	0	S89 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:07

EAST Search History (Prior Art)

S89	1190	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) same (events venue attraction service) near5 (proximal proximity nearby vicinity local)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:07
S88	6524	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:06
S87	2	S86 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:06
S86	15038	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:06
S85	0	S84 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:04
S84	389	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest taste content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:04
S83	2	("20070155307").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/09/08 16:58

EAST Search History (Prior Art)

S82	2	("20080154696").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/09/08 16:32
S63	389	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest taste content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:24
S62	2	((media music songs pictures photos movies pics files) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:21
S61	14	((media music songs pictures photos movies pics files) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:19
S60	105	("2004/0023666").URPN.	USPAT	OR	ON	2017/09/08 14:17
S59	50	("2007/0155307").URPN.	USPAT	OR	ON	2017/09/08 14:17
S58	5	(("20040023666") or ("20070155307")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/09/08 14:16
S57	1	((scan$4 analyz$4 search$4 found find$4) near5 (media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:14
S56	14	(stored near5 (media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:12

EAST Search History (Prior Art)

S55	140	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:11
S54	74	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proixmal proximity nearby vicinity local) near5 (events venue attraction service) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 13:57
S53	37	S52 NOT S50	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:38
S52	124	(media music songs pictures photos movies pics) near5 (advertis$4 suggest$ recommend$4 display$4 offer$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:38
S51	21	S50 NOT S48	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:36
S50	87	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4 display$4 offer$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:35
S49	46	S48 NOT S47	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:25

EAST Search History (Prior Art)

S48	66	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4 display$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:25
S47	20	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:25
S46	20	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:23
S45	175	(media music songs pictures photos movies pics) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proximal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proximal proximity nearby vicinity local) near5 (shop store!) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 10:46
S44	76	(media music songs pictures photos movies pics) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proximal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proximal proximity nearby vicinity local) near5 (events venue attraction service) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 09:22
S42	342	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 19:08

EAST Search History (Prior Art)

S41	1587	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 19:07
S40	109	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) near5 (player device mobile smartphone) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 18:50
S39	8187	H04W4/021	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 18:45
S38	11	(S36 S37) & (media & location).CLM.	US-PGPUB; USPAT; USOCR	OR	ON	2017/09/06 18:38
S37	146	(("NELSON") near3 ("Jonathan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/09/06 18:37
S36	14	(("FELDMAN") near3 ("Evan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/09/06 18:37
S35	0	S34 & suggest$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 18:34
S34	12838	(H04W4/021).CPC.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 18:17
S33	6983	H04W4/021	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 18:16

EAST Search History (Prior Art)

S32	24	advertis$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (media! books) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 17:47
S31	8	advertis$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 17:34
S30	3	("20030028621").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 17:30
S29	2	("13198101").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 16:04
S28	5	(recommend$4 discover$4 propos$4 suggest$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) near5 (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 16:00
S27	5	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) near5 (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 15:58
S26	2	("9141960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 15:40
S25	2	("9,141,960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 15:39

EAST Search History (Prior Art)

S24	88	(recommend$4 discover$4 propos$4 suggest$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (songs music movie media! books) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 23:28
S23	69	(recommend$4 discover$4 propos$4 suggest$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (songs music movie media!) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 23:27
S22	23	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same media! & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:48
S21	35	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (music songs taste preferences likes! movies books interests!) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:43
S20	3	suggest$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (media songs music) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:41
S19	148	S17 NOT S18	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:26
S18	67	recommend$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:26

EAST Search History (Prior Art)

S17	156	suggest$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:25
S16	67	recommend$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:51
S15	3	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user near5 interest & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:49
S14	7	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia pictures photos) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:48
S13	7	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:47
S12	4	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:47
S11	337	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:25

EAST Search History (Prior Art)

S10	853	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:25
S9	15	discover$4 near5 (venue events) near5 (near$2 proximity vicinity) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:20
S8	32	(suggest$4 propos$4) near5 (venue events) near5 (near$2 proximity vicinity) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:17
S7	6	recommend$4 near5 (venue events) near5 (near$2 proximity vicinity) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:15
S6	1	recommend$4 near5 (venue events) near5 (near$2 proximity vicinity) near5 user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:15
S5	1	recommend$4 near5 (venue events) near5 (near$2 proximity) near5 user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:14
S4	6	(media music song) near5 (venue events) near5 proximity near5 user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:06
S3	142	(("NELSON") near3 ("Jonathan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/04/12 17:59

EAST Search History (Prior Art)

S2	14	(("FELDMAN") near3 ("Evan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/04/12 17:59
S1	2	("20040023666"|"20070155307").PN.	US-PGPUB; USPAT	OR	ON	2017/04/12 17:23

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S81	11	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:10
S80	4	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:10
S79	2	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:09
S78	41	((read$4 scan$4 analyz$4 search$4 find$4) near2 (media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:07
S77	61	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:06
S76	160	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:06
S75	268	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:05

EAST Search History (Interference)

S74	418	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 related propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:05
S73	35	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$4 related linked connected propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:04
S72	586	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 related linked connected propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:04
S71	14	((media music songs pictures photos movies pics) & (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:02
S70	0	((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:02
S69	2	(S64 S65 S66 S67) & ((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:01
S68	0	(S64 S65 S66 S67) & ((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:01
S67	53969	(G06Q30/02).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:00
S66	16721	(G06F17/30867).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:00
S65	4082	(H04W4/028).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 13:59
S64	5641	(H04W4/021).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 13:59

Notice of References Cited	Application/Control No. 14/860,339	Applicant(s)/Patent Under Reexamination Feldman et al.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20070078884-A1	04-2007	Ott; Edward Stanley IV	G06F17/30864	1/1
*	B	US-7310532-B2	12-2007	Knauerhase; Robert C.	H04W4/02	455/404.2
*	C	US-20080154696-A1	06-2008	Spiegelman; Michael	G06F17/30867	705/7.32
*	D	US-20080248740-A1	10-2008	Lazovsky; Alexander	G06Q30/06	455/3.01
*	E	US-8611920-B2	12-2013	Lau; Chung	G01C21/00	340/539.13
*	F	US-20090222392-A1	09-2009	Martin; Francisco J.	G11B27/105	706/46
	G					
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	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

25943 7590 02/16/2018
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EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
02/16/2018	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):

IPDocketing@SCHWABE.com
patent@schwabe.com

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 14/860,339	Applicant(s) Feldman et al.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	AIA Status No

-- 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 MONTHS 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 01/03/2018 .

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____ .

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) 21-23,26-31 and 37-46 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) 21-23,26-31 and 37-46 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 21 September 2015 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).

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)).

** 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/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

DETAILED ACTION

The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

Examiner's response to arguments filed 01/03/2018:

Re: Objection of claims 32-36

1. Applicant's arguments, see pg. 9 of remarks, with respect to the objection of claims 32-36 have been fully considered and are persuasive.

The objection of claims 32-36 has been withdrawn.

Re: Rejection of claims 21-36 under 35 U.S.C. 112(a)

2. Applicant's arguments, see pg. 9 of remarks, with respect to the rejection of claims 32-36 under 35 U.S.C. § 112(a) have been fully considered and are persuasive.

The rejection of claims 32-36 under 35 U.S.C. § 112(a) has been withdrawn.

Re: Rejection of claims 21-23, 26, 29-33 under 35 U.S.C. § 102(b) and claims 24-25, 27-28 and 34-35 under 35 U.S.C. § 103(a)

3. Applicant's arguments in view of the amendments changing the scope of the claims, see pg. 1-11 of remarks, with respect to the rejection of claims 21-23, 26, 29-33 under 35 U.S.C. § 102(b) and claims 24-25, 27-28 and 34-35 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. The examiner believes that the amendment affecting the scope of the claims overcomes the prior art used in the rejection(s) above.

Therefore, the rejection(s) of claim(s) 21-23, 26, 29-33 under 35 U.S.C. § 102(b) relying upon U.S. Patent Application Publication No. 2008/0154696 A1 ("Spiegelman") and claims 24-25, 27-28 and 34-35 under 35 U.S.C. § 103(a) relying upon U.S. Patent Application Publication

No. 2008/0154696 A1 ("Spiegelman"), and further in view of U.S. Patent Application Publication No. 2008/0248740 A1 ("Lazovsky") (rejection of claims 24 and 34) and U.S. Patent Application Publication No. 2007/0078884 A1 ("Ott") (rejection of claims 25 and 35), and U.S. Patent No. 7,310,532 B1 (rejection of claims 27-28) are withdrawn. However, upon an updated search and further consideration of the newly amended claims changing the scope of the claims, a new ground(s) of rejection is made in view of newly discovered prior art (see new ground(s) of rejection below).

Claim Rejections - 35 USC § 103

4. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

5. The following is a quotation of pre-AIA 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, 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. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim(s) 21-23, 26, 29-31, 37, 38, 40 and 42-46 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20080154696 A1 (hereinafter "Spiegelman"), and further in view of U.S. Patent Application Publication No. 2009/0222392 A1 (hereinafter "Martin").

Regarding claim 21:

Spiegelman discloses:

One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to:

retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media (**¶0056: "As the consumer interacts with the media server (e.g., by accessing media content items such as songs or videos, purchasing such items, rating or reviewing such items, alerting friends or other parties of the items, etc.), a maintain consumer profile operation 204 is performed in which consumer information is collected and stored in a datastore maintained by the system as information related to the consumer."; ¶0061: "In the operation 210, the interest data identifying the media content item that was the subject of the request is stored in the consumer profile."; ¶0081: "Information from the consumer's profile is then retrieved"**);

infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device (**¶0062: "system further determines if the media content item that is the**

subject of the consumer's request is associated with an event in the event datastore in a determination operation 212."; Fig. 4 : 406; ¶0081-0082: "In the comparison operation 406, the consumer's information including the consumer's consumption history, location and other known information is compared against the current events in the event database.");

access one or more sources of information about venues or events proximal to a current location of the user (**¶0053: "the event recommendation module 122 is adapted to determine what media content item the user is currently accessing, and based on the user's location, provide the user with upcoming events that are associated with the currently accessed content item"; ¶0062: "In the determination operation 212, the consumer's profile and the information in the event datastore are compared to identify any events that are associated with the media content item."; Fig. 4 : 408; ¶0082: "selection operation 408 selects an event from the event database for display to the consumer."**);

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user (**Fig. 4 : 410; ¶0082: "Based on the comparison, a selection operation 408 selects an event from the event database for display to the consumer."**);

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and communicate the recommendation to the user (**¶0062: "if an event associated with the media content item is found by the determination operation 212, then a notification is transmitted to the consumer in a transmit notification operation 214."; Fig. 3 : 334 and 4 : 412; ¶0085**).

Spiegelman does not disclose:

(i) that the media is stored on a portable media player device or is accessed using the portable media player device; and

(ii) infer based at least in part on … one or more plurality of media types of the media stored on or accessed by the portable media player device, one or more entertainment preferences of a user of the portable media player device.

However, in an analogous art, Martin discloses:

(i) that the media is stored on a portable media player device or is accessed using the portable media player device (**¶0042: "Furthermore, the described features, structures, or characteristics may be combined in any suitable manner in a variety of alternative embodiments. In some embodiments, the methodologies and systems described herein may be carried out using one or more digital processors, such as the types of microprocessors that are commonly found in PC's, laptops, PDA's and all manner of other desktop or portable electronic appliances."; ¶0080: "The media devices in the group may include portable and/or non-portable devices."; ¶0227**); and

(ii) infer based at least in part on … one or more plurality of media types of the media stored on or accessed by the portable media player device, one or more entertainment preferences of a user of the portable media player device (**¶0044: "Playlists and playcounts may be used to define the taste of each user and may therefore be used in performing taste analyses for each of the respective users."; ¶0047: "Playcounts and playlists of a user may be used to synthesize her or his taste or perform a taste analysis. In that sense, user's taste may be considered a collection of the most relevant taste data considering that user's**

playcounts and playlists"; ¶0055: "FIG. 1 depicts how the taste 108 of a user 100 may be built from the playcounts 104 and playlists 102 of that user 100 through a process 106 called Synthesize Taste. It should be understood that process 106 is one example of a taste analysis. Process 106 produces a taste 108, which may be encoded as a mediaset. As part of process 106, media items with higher playcounts and/or those that appear more in playlists may be selected.").

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Spiegelman's event recommendation system based on user preferences to use Martin's system of establishing a user's taste based the media stored on a portable device.

The motivation is to more accurately establish a user's music taste by actually looking at what a user listened to via play counts and play lists instead of having categorical preferences that may not truly reflect a user's taste or at least does not reflect it accurately.

<u>Regarding claim 22:</u>

The combination of Spiegelman and Martin discloses:

The one or more NTRCM of claim 21.

Spiegelman further discloses:

wherein the plurality of media types comprises music media (**¶0056**), podcast media (**¶0029**), and video media (**¶0056**).

Spiegelman does not disclose:

textual media and image media.

However, Martin further discloses:

textual media (**¶0043: "e-book"**) and image media (**¶0043: "picture"**).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Spiegelman's event recommendation system based on user preferences to include additional categories of media such as text media and image media, as taught by Martin.

The motivation is to enhance the user experience by benefiting from Spiegelman's invention by extending into other categories of media such as e-books and pictures.

Regarding claim 23:

The combination Spiegelman and Martin discloses:

The one or more NTCRM of claim 22, wherein to generate the recommendation, execution of the instructions is to cause the computer server to:

generate the recommendation based at least in part on:

a genre of music of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device (**Spiegelman, ¶0056; Martin, ¶0043**);

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the portable media player device, wherein the video is a media type of the plurality of media types (**Spiegelman, ¶0056; Martin, ¶0043**);

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device (**Martin, ¶0043**); and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device (**Spiegelman, ¶0029**).

Regarding claim 26:

The combination Spiegelman and Martin discloses:

The one or more MTCRM of claim 21, wherein execution of the instructions are further to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device (**Spiegelman, ¶0055: "In this embodiment, for an event to be selected, the module 122 must determine that the consumer is collocated with the event location and has extensively consumed media content items in the recent past that are directly related with the event data (e.g., the artist of the event is the same artist as media content items that are clearly favorites of the consumer based on the consumer's consumption history). In an alternative embodiment, an operator of the event recommendation module 122 may wish to notify a consumer of as many events as possible. In this embodiment, for an event to be selected, the module 122 may only determine that the consumer's location is within some distance of the event location"**).

Regarding claim 29:

The combination Spiegelman and Martin discloses:

The one or more MTCRM of claim 21, wherein to control communication of the recommendation, execution of the instruction is to cause the computer server to: control transmission of the recommendation to the portable media player device (**Spiegelman: Fig. 3; ¶0077: "The GUI further includes a recommended events area 306 that illustrates a notification of one or more recommended events. In the GUI 300 shown, a notification concerning the Rolling Stones, which also happens to be the artist of the media content item being rendered, is displayed. The event data includes the date, time, location, and description of the event. In addition, a hyperlink 334 to a map to the location is provided. A promotional element is also further provided, in this example a greatly reduced ticket price if the consumer purchases tickets through the media server via a hyperlink 332 to a ticket purchase web page.", Martin: ¶0227**).

Regarding claim 30:

The combination Spiegelman and Martin discloses:

The one or more MTCRM of claim 29, wherein to control transmission the recommendation of the recommendation, execution of the instruction is to cause the computer server to:

control transmission of one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or by placing a phone call to the user (**Spiegelman, ¶0020: "If the network is a mobile telephone network such as a Global System for Mobile Communications (GSM) network, communications may comply with some other communication protocol such as the Short Message Service (SMS) Point-to-**

Point protocol."; ¶0073: "or a text message to the consumer's device with the event notification.").

Regarding claim 31:

The combination Spiegelman and Martin discloses:

The one or more NTCRM of claim 21, wherein execution of the instructions further cause the computer server to:

obtain the plurality of media or the information about the media from a storage within the computer server (**Spiegelman, ¶0033: "The media server 118 may also include a user database 170 of user information. The user information database 170 includes information about users that is collected from users, such as media consumers accessing the media server 118 with a rendering device, or generated by the media server 118 as the user interacts with the media server 118. In one embodiment, the user information database 170 includes user information such as user name, gender, e-mail and other addresses, user preferences, etc. that the user may provide to the media server 118."**); or

control receipt of the media or the information about the media from a remote storage device (**Spiegelman, ¶0033**).

Regarding claim(s) 37, 38, 40, 42-46:

A corresponding reasoning as given earlier in this section (see rejection of claim(s) 21-23, 26 and 29-31) applies, mutatis mutandis, to the subject-matter of claim(s) 37, 38, 40, 42-46, and therefore is/are also considered rejected under the grounds given in the rejection of claim(s) 21-23, 26 and 29-31.

In other words, all citations rendered in the rejection of claim(s) 21-23, 26, 29 and 30-31 are applicable to corresponding limitations of claim(s) 37, 38, 40, 42-46.

8. Claims 27-28 and 43 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter "Spiegelman") in view of U.S. Patent Application Publication No. 2009/0222392 A1 (hereinafter "Martin"), and further in view of US 7,310,532 B1 (hereinafter "Knauerhase").

Regarding claim 27:

Although the combination Spiegelman and Martin does not disclose the following limitation(s), Knauerhase discloses the following limitation(s):

The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive the current location of the media player device from the media player device (**Col. 4 Ln. 56-67: "The location of a mobile device may be specified in terms of the hotspot-access point that connects the mobile device to network 110."**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman in view of Martin to obtain the current location of a media player device, as taught in Knauerhase.

The motivation is to locate the user of a media player in real time.

Regarding claim 28:

The combination Spiegelman, Martin and Knauerhase teaches:

The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive a current location of the media player device from an access point through which the media player device establishes a network connection to the computer server (**Knauerhase: Col. 4 Ln. 55-67**).

9. Claims 39 and 41 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter "Spiegelman") in view of U.S. Patent Application Publication No. 2009/0222392 A1 (hereinafter "Martin"), and further in view of US 8,611,920 B2 (hereinafter "Lau").

Regarding claim 39:

Although the combination Spiegelman and Martin does not disclose the following limitation(s), Lau discloses the following limitation(s):

The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to: determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and generate the location information to include the GPS coordinate (**Col. 5 Ln. 13-46**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman in view of Martin to obtain the current location of a media player device using GPS, as taught in Lau.

The motivation is to more accurately locate a device using the well-established method of GPS location.

Regarding claim 41:

Although the combination Spiegelman and Martin does not disclose the following limitation(s), Lau discloses the following limitation(s):

The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device (**Col. 7 Ln. 54-67**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman in view of Martin to obtain the current location of a media player using it's past locations, as taught in Lau.

The motivation is to locate a device by using previously known positions as it conserves energy and also can be used in situations where there is poor signal reception.

Conclusion

10. 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.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER LAGOR whose telephone number is (571)270-5143. The examiner can normally be reached on Monday thru Friday, 9:00 AM to 5:00 PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashokkumar B. Patel can be reached on (571) 272-3972. 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.

/ALEXANDER LAGOR/
Primary Examiner, Art Unit 2491

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

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

CLAIMS

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

CLAIM		DATE								
Final	Original	04/13/2017	10/03/2017	02/13/2018						
	1	-	-	-						
	2	-	-	-						
	3	-	-	-						
	4	-	-	-						
	5	-	-	-						
	6	-	-	-						
	7	-	-	-						
	8	-	-	-						
	9	-	-	-						
	10	-	-	-						
	11	-	-	-						
	12	-	-	-						
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	14	-	-	-						
	15	-	-	-						
	16	-	-	-						
	17	-	-	-						
	18	-	-	-						
	19	-	-	-						
	20	-	-	-						
	21	✓	✓	✓						
	22	✓	✓	✓						
	23	✓	✓	✓						
	24	✓	✓	-						
	25	✓	✓	-						
	26	✓	✓	✓						
	27	✓	✓	✓						
	28	✓	✓	✓						
	29	✓	✓	✓						
	30	✓	✓	✓						
	31	✓	✓	✓						
	32	✓	✓	-						
	33	✓	✓	-						
	34	✓	✓	-						
	35	✓	✓	-						
	36	✓	✓	-						
	37			✓						
	38			✓						
	39			✓						
	40			✓						
	41			✓						
	42			✓						

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CLAIM		DATE								
Final	Original	04/13/2017	10/03/2017	02/13/2018						
	43			✓						
	44			✓						
	45			✓						
	46			✓						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/860,339	Feldman et al.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04W4/021*	4/13/2017 (Updated: 9/6/2017)	AL (Updated: AL)

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor's search - see EAST search notes	4/13/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	4/13/2017 (Updated: 10/3/2017)	AL (Updated: AL)
NPL (STIC) - see search history printout	9/7/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	02/13/2018	AL

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
H04W	4/021,4/028	9/8/2017	AL
G06F	17/30867	9/8/2017	AL
G06Q	30/02	9/8/2017	AL

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of: Feldman et al.	Examiner: Alexander LAGOR
Application No.: 14/860,339	Group Art Unit: 2491
Filed: September 21, 2015	Confirmation No.: 4893
For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

Mail Stop **Amendment**
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION

This paper is filed in response to the non-final Office Action having a notification date of October 6, 2017. Entry of the following claims and consideration of the following remarks is respectfully requested.

Amendments to the Claims begin on page **2**.

Remarks begin on page **9**.

AMENDMENTS TO THE CLAIMS

1-20. (Canceled)

21. (Currently Amended) One or more non-transitory computer-readable media (NTCRM) ~~containing~~ comprising instructions written thereon that, in response to execution ~~on~~ by one or more processors of a computer server, cause the computer server to:

~~retrieve a plurality~~ control receipt of media or information about the media, the media being stored on a portable media player device or accessed using ~~a~~ the portable media player device~~, or information about said plurality of media~~;

infer, based at least in part on the retrieved ~~plurality of~~ media, ~~or~~ the retrieved information about ~~said plurality of~~the media, and one or more plurality of media types of the media stored on or accessed by the portable media player device, one or more entertainment preferences of a user of the ~~media player~~portable media player device;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

~~communicate~~ control communication of the recommendation to the user.

22. (Currently Amended) The one or more NTCRM~~non-transitory computer-readable media~~ of claim 21, wherein the plurality of media types comprises textual media, image media, music media, podcast media, and video media~~ generate a recommendation comprises generate a recommendation based at least in part on a genre of music played at the venue or event of interest and on a music genre preference of the user inferred by the computer server based at least in part on music media stored in, or accessed using, the media player device~~.

23. (Currently Amended) The one or more NTCRM ~~non-transitory computer-readable media~~ of ~~claim 21~~claim 22, wherein, to generate ~~a~~ the recommendation, execution of the instructions is to cause the computer server to: ~~comprises~~

generate ~~a~~ the recommendation based at least in part on:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on music media stored in, or accessed using, the portable media player device;

a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the ~~media player~~portable media player device, wherein the video media is a media type of the plurality or media types~~.~~;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on podcast media stored in, or accessed using, the portable media player device.

24-25. (Cancelled)

26. (Currently Amended) The one or more NTCRM ~~non-transitory computer-readable media~~ of claim 21, wherein execution of the instructions are further to cause the computer server to infer the current location of the user of the media player device based on obtained location information associated with the portable media player device.

27. (Currently Amended) The one or more ~~non-transitory computer-readable media~~NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to: ~~comprises~~

~~receive the current location of the media player device from the media player~~ control receipt of the location information portable media player device or from a wireless access

point through which the portable media player device has established a network connection with the computer server; and

determine a current location of the portable media player device based on the location information.

28. (Currently Amended) The one or more ~~non-transitory computer-readable media~~NTCRM of claim 26, wherein, to infer the current location, execution of the instructions is to cause the computer server to: ~~comprises~~

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on known current locations of other portable media player devices in communication with the computer server~~receive a current location of the media player device from an access point through which the media player device establishes a network connection to the computer server~~.

29. (Currently Amended) The one or more ~~non-transitory computer-readable media~~NTCRM of claim 21, wherein, ~~said communicate~~to control communication of the recommendation, execution of the instructions is to cause the computer server to: ~~comprises transmit~~

control transmission of the recommendation to the ~~media player~~portable media player device.

30. (Currently Amended) The one or more ~~non-transitory computer-readable media~~NTCRM of ~~claim 21~~claim 29, wherein, ~~said communicate comprises~~to control transmission of the recommendation, execution of the instructions is to cause the computer server to:

control transmission of ~~transmit the recommendation by either sending~~ one or more of: a short message service (SMS) message, an email message, a pager message, ~~message or~~ a facsimile message ~~to the user~~, or ~~by placing~~ a phone call to the user.

31. (Currently Amended) The one or more ~~non-transitory computer-readable media~~NTCRM of claim 21, wherein execution of the instructions are to further cause the computer server to: ~~retrieve~~

obtain the ~~plurality of~~ media or the information about ~~said plurality of~~the media from a storage within the computer server; or

control receipt of the media or the information about the media from a remote storage device.

32-36. (Cancelled)

37. (New) One or more non-transitory computer-readable media (NTCRM) comprising instructions that, when executed by one or more processors of a portable media player device, cause the portable media player device to:

operate a media player application to access media from a local storage of the portable media player device or a remote storage;

establish a network connection with a server, the server to provide location and preference based venue or event recommendations;

control transmission, to the server, of location information associated with the portable media player device to facilitate the server in inferring a current location of a user of the portable media player device; and

control receipt, from the server, of a recommendation indicating an event or venue of interest that is proximate to the inferred current location of the user, and wherein:

the recommendation is based on one or more inferred preferences of the user and the location information,

the inferred preferences are based at least in part on the accessed media, media types of the accessed media from among a plurality of media types, and information about the accessed media, and

the event or venue of interest is selected from one or more sources of information about a plurality of venues or events proximate to the current location of the user.

38. (New) The one or more NTCRM of claim 37, wherein the plurality of media types comprises textual media, image media, audio media, and video media, and wherein the recommendation is based on one or more of:

a genre of music played at the event or venue of interest and a music genre preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device;

a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based on video media stored in, or accessed using, the portable media player device;

an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based on image media stored in, or accessed using, the portable media player device; and

an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based on audio media stored in, or accessed using, the portable media player device.

39. (New) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

determine a current location of the portable media player device to be a global positioning system (GPS) coordinate obtained from a GPS module of the portable media player device; and

generate the location information to include the GPS coordinate.

40. (New) The one or more NTCRM of claim 37, wherein execution of the instructions is to cause the portable media player device to:

obtain a user input indicating a current location of the portable media player device or a desired location of the portable media player device; and

generate the location information to indicate the user input.

41. (New) The one or more NTCRM of claim 37, wherein the current location is further inferred based on a location of a wireless access point through which the portable media player device has established a network connection with the server and based on one or more previous geographic locations of the portable media player device.

42. (New) The one or more NTCRM of claim 37, wherein, to receive the recommendation, execution of the instructions is to cause the portable media player to:

control receipt of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call, wherein the recommendation is included in the SMS message, email message, pager message, the facsimile message, or the call.

43. (New) A computer server to provide location and preference based venue or event recommendations, the computer server comprising:

a communications interface to receive media or information about the media from a remote storage device, wherein the media is stored by the portable media player device or the media is remotely accessed using the portable media player device; and

one or more processors communicatively coupled with the communications interface, the one or more processors to:

infer one or more preferences of a user of the portable media player device based at least in part on the received media or the information about the media, and media types of the media accessed by the portable media player device from among a plurality of media types;

infer a current location of the user of the portable media player device based on obtained location information associated with the portable media player device;

access one or more sources of information about venues or events proximal to a current location of the portable media player device;

identify at least one of the venues or events to be a venue or event of interest to the user based on the one or more inferred preferences and the current location of the portable media player device;

generate a recommendation to indicate the venue or event of interest; and

control the communication interface to send the recommendation to the portable media player device via of one or more of a short message service (SMS) message, an email message, a pager message, a facsimile message, or a phone call.

44. (New) The computer server of claim 43, wherein the plurality of media types comprises textual media, image media, audio media, and video media, and wherein the one or more processors are to generate the recommendation based on one or more of:

a genre of music played at the venue or event of interest and a music genre preference of the one or more inferred preferences;

a genre of a play or movie played at the venue or event of interest, respectively, and a video genre preference of the one or more inferred preferences;

a genre of painting or photo exhibited at the venue or event of interest and an image genre preference of the one or more inferred preferences; and

a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and a subject preference of the one or more inferred preferences.

45. (New) The computer server of claim 43, wherein:

the communication interface is to receive the location information from the portable media player device or from an access point through which the portable media player device establishes a network connection with the computer server; and

the one or more processors are to: determine a current location of the portable media player device based on the location information, and infer the current location of the user based on the determined current location of the portable media player device.

46. (New) The computer server of claim 43, wherein, to infer the current location, the one or more processors are to:

determine a current location of the portable media player device based on results of triangulation of signals from various wireless access points or based on current locations of other portable media player devices in communication with the computer server; and

infer the current location of the user based on the determined current location of the portable media player device.

END OF CLAIMS LISTING

REMARKS

The claims have been variously amended as shown above. Claims 1-20 were previously cancelled without prejudice or disclaimer. Claims 24-25 and 32-36 are presently cancelled without prejudice or disclaimer. Claims 37-46 are new. No new matter is added. Claims 21—23, 26-31, and 37-46 are pending. Favorable reconsideration of the present application, in light of the previous amendments and the following remarks, is respectfully requested.

Examiner Interview

The undersigned wishes to thank the Examiner for the time spent on September 7, 2017 during a telephonic interview. A brief summary of the matters discussed during the interview is as follows. The Examiner contacted the undersigned to explain that the previous Office Action having a notification date of April 19, 2017 did not properly address some issues. No other pertinent matters were discussed

Claim Objections

The claims were objected to due to informalities. This objection is rendered moot due to the cancelation of claims 32-26.

Rejections under 35 U.S.C. § 112

Claims 21-36 stand rejected under pre-AIA 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, and under pre-AIA 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection of claims 32-36 are rendered moot due to the cancellation of those claims, and claims 21-31 have been variously amended taking the Examiner's comments into consideration. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 21-23, 26, 29-33, and 36-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 2008/0154696 ("*Spiegelman*"). Claims 24-25, 27-28, and 34-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Spiegelman*, U.S. Pat. Pub. 20080248740 ("*Lazovsky*"), U.S. Pat. Pub. 2007/0078884 ("*Ott*"),

and U.S. Pat. No. 7,310,532 ("*Knauerhase*"). These rejections are traversed for the reasons detailed below.

Without conceding to the Office Action's positions, claim 21 has been amended to recite, *inter alia*, "infer, based at least in part on the retrieved media, the retrieved information about the media, and one or more plurality of media types of the media stored on or accessed by the portable media player device, one or more entertainment preferences of a user of the portable media player device." At least this feature is not taught or suggested by the cited art, individually or in any combination.

The Office Action at pages 5-6 asserts that *Spiegelman* at paragraphs [0056], [0061], and [0081] discloses "retrieve a plurality of media stored on or accessed using a media player device or information about said plurality of media" as previously recited by claim 21.

The cited portions of *Spiegelman* discuss that a consumer profile is constructed as a consumer interacts with a media server by accessing media content items such as songs or videos, purchasing such items, rating or reviewing such items, alerting friends or other parties of the items, etc. The consumer profile includes consumer information that is collected and stored in a datastore maintained by the system. Additionally, the system records consumer interest data related to requested content. The information in the consumer profile is then retrieved for comparison with event data for recommending events to the consumer.

While the cited sections of *Spiegelman* discuss that the consumer profile may include information about media accessed by a consumer, which may include "songs or videos," nothing in *Spiegelman* discloses or suggests that the event recommendations are based on the type of media accessed or stored by the consumer. Indeed, there is no focused and specific examples within *Spiegelman* that utilize media types for recommending events to the consumer. Instead, the recommendations provided by *Spiegelman*'s system are based on the "consumer's likes and dislikes of media content items." *Spiegelman*, paragraph [0058].

Moreover, *Lazovsky*, *Ott*, and *Knauerhase* are not relied upon as teaching the aforementioned feature of claim 21 and none of *Lazovsky*, *Ott*, and *Knauerhase* disclose or suggest this feature.

Accordingly, the cited art, alone or in any combination, fail to disclose or suggest all the elements of amended claim 21, and thus, a *prima facie* case of obviousness has not been

established with respect to amended claim 21. The remaining claims either depend from or recite similar subject matter as amended claim 21, and are patentable for reasons at least the reasons discussed above with regard to amended claim 21. Accordingly, reconsideration and withdrawal of the rejections under §102 and §103 is respectfully requested.

CONCLUSION

All pending claims are believed to be in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at 1-(503)796-2441 if the Examiner believes that an interview might be useful for any reason. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

Date: January 3, 2018

By: /Ryan N. Strauss/
Ryan N. Strauss, Reg. No.: 68,392

Electronic Acknowledgement Receipt

EFS ID:	31394061
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	03-JAN-2018
Filing Date:	21-SEP-2015
Time Stamp:	17:15:04
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		Varia-07-0035C_RESPONSE_01_03_18.pdf	152559 3a437beec3abd4acd0668a7f98ee5047692b2083	yes	11

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	8
	Applicant Arguments/Remarks Made in an Amendment	9	11

Warnings:	
Information:	
Total Files Size (in bytes):	152559

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.

<u>New Applications Under 35 U.S.C. 111</u>
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.
<u>National Stage of an International Application under 35 U.S.C. 371</u>
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.
<u>New International Application Filed with the USPTO as a Receiving Office</u>
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
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	
14/860,339	09/21/2015	☐ 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 $80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $420 =	
☐ 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	01/03/2018	(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 $80 =	0
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0		x $420 =	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 $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	Ross W Brown
*** 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.	

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

25943 7590 10/06/2017
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
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PORTLAND, OR 97204

EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
10/06/2017	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):

IPDocketing@SCHWABE.com
patent@schwabe.com

Office Action Summary	Application No. 14/860,339	Applicant(s) FELDMAN ET AL.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	AIA (First Inventor to File) Status No

-- 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 MONTHS 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 07/06/2017.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) 21-36 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) 21-36 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 9/21/2015 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).

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)).

** 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/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. 9/7/2017 .

4) ☐ Other: _____.

DETAILED ACTION

The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

1. Applicant's arguments with respect to claims 21-36 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

3. For the purpose of this office action, the second instance of claim 33 is considered misnumbered and will be treated as a new claim 37.

4. Applicant is kindly requested to cancel the second instance of claim 33 in the response, and add a new claim with the subject matter of the second instance of claim 33 in new **claim 37**.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-36 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 21-36 disclose "a media player device". However, the specification only discloses and lends support to a "<u>portable</u> media player device". Furthermore, the disclosure specifically states:

> *"For purposes of this disclosure, a portable media player device does not include a general purpose laptop or tablet computer, nor any computing device attached or installed on a mobile vehicle (such as a dash mounted radio or DVD player in an automobile) but rather includes only a handheld device (also referred to as palm-sized device) for the purpose of displaying and/or playing media files."*

However, applicant's original disclosure makes only mention of "portable media player device" and not "media player" as now recited in claims 21-36. The broadening of the term "portable media player" to "media player" is considered "new matter" by the office that was not disclosed in the original application as filed.

7. 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.

8. Claims 21-36 are 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.

Claim 21 discloses: "retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media".

It is not understood what applicant is referring to with "or information about said plurality of media". If applicant is attempting to include an option on what is retrieved, the claim needs to reflect this positively, for example: "retrieve at least a plurality of media stored on a media player device, a plurality of media accessed using a media player device, or an information about said plurality of media".

Claim Rejections - 35 USC § 102

9. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

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

11. Claim(s) 21-23, 26, 29-33, 36, 37 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by US 20080154696 A1 (hereinafter "Spiegelman").

<u>Regarding claim 21:</u>

Spiegelman discloses:

One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to:

retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media (**¶0056: "As the consumer interacts with the media server (e.g., <u>by accessing media content items such as songs or</u>**

<u>videos</u>, purchasing such items, rating or reviewing such items, alerting friends or other parties of the items, etc.), a maintain consumer profile operation 204 is performed in which consumer information is collected and stored in a datastore maintained by the system as information related to the consumer."; ¶0061: "In the operation 210, the interest data identifying the media content item that was the subject of the request is stored in the consumer profile."; ¶0081: "Information from the consumer's profile is then retrieved");

infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device (**¶0062: "system further determines if the media content item that is the subject of the consumer's request is associated with an event in the event datastore in a determination operation 212."; Fig. 4 : 406; ¶0081-0082: "In the comparison operation 406, the consumer's information including the consumer's consumption history, location and other known information is compared against the current events in the event database."**);

access one or more sources of information about venues or events proximal to a current location of the user (**¶0053: "the event recommendation module 122 is adapted to determine what media content item the user is currently accessing, and based on the user's location, provide the user with upcoming events that are associated with the currently accessed content item"; ¶0062: "In the determination operation 212, the consumer's profile and the information in the event datastore are compared to identify any events that are associated with the**

media content item."; Fig. 4 : 408; ¶0082: "selection operation 408 selects an event from the event database for display to the consumer.");

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user (**Fig. 4 : 410; ¶0082: "Based on the comparison, a selection operation 408 selects an event from the event database for display to the consumer."**);

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and communicate the recommendation to the user (**¶0062: "if an event associated with the media content item is found by the determination operation 212, then a notification is transmitted to the consumer in a transmit notification operation 214."; Fig. 3 : 334 and 4 : 412; ¶0085**).

Regarding claim 22:

Spiegelman discloses:

The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of music played at the venue or event of interest and on a music genre preference of the user inferred by the computer server based at least in part on music media stored in, or accessed using, the media player device (**¶0037: "various categorization information such as genre of the media file 112"**).

Regarding claim 23:

Spiegelman discloses:

The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the media player device (**¶0056: "As the consumer interacts with the media server (e.g., by accessing media content items such as songs or videos, purchasing such items, rating or reviewing such items, alerting friends or other parties of the items, etc.)"**).

Regarding claim 26:

Spiegelman discloses:

The one or more non-transitory computer-readable media of claim 21, wherein the instructions are further to cause the computer server to infer the current location of the user of the media player device (**¶0055: "In this embodiment, for an event to be selected, the module 122 must determine that the consumer is collocated with the event location and has extensively consumed media content items in the recent past that are directly related with the event data (e.g., the artist of the event is the same artist as media content items that are clearly favorites of the consumer based on the consumer's consumption history). In an alternative embodiment, an operator of the event recommendation module 122 may wish to notify a consumer**

of as many events as possible. In this embodiment, for an event to be selected, the module 122 may only determine that the consumer's location is within some distance of the event location").

Regarding claim 29:

Spiegelman discloses:

The one or more non-transitory computer-readable media of claim 21, wherein said communicate the recommendation comprises transmit the recommendation to the media player device (**Fig. 3; ¶0077: "The GUI further includes a recommended events area 306 that illustrates a notification of one or more recommended events. In the GUI 300 shown, a notification concerning the Rolling Stones, which also happens to be the artist of the media content item being rendered, is displayed. The event data includes the date, time, location, and description of the event. In addition, a hyperlink 334 to a map to the location is provided. A promotional element is also further provided, in this example a greatly reduced ticket price if the consumer purchases tickets through the media server via a hyperlink 332 to a ticket purchase web page."**).

Regarding claim 30:

Spiegelman discloses:

The one or more non-transitory computer-readable media of claim 21, wherein said communicate comprises transmit the recommendation by either sending one or

more of: a short message service (SMS) message, an email message, a pager message or a facsimile message to the user, or by placing a call to the user (**¶0020: "If the network is a mobile telephone network such as a Global System for Mobile Communications (GSM) network, communications may comply with some other communication protocol such as the Short Message Service (SMS) Point-to-Point protocol."; ¶0073: "or a text message to the consumer's device with the event notification."**).

Regarding claim 31:

Spiegelman discloses:

The one or more non-transitory computer-readable media of claim 21, wherein the instructions further cause the computer server to retrieve the plurality of media or the information about said plurality of media from a storage within the computer server (**¶0033: "The media server 118 may also include a user database 170 of user information. The user information database 170 includes information about users that is collected from users, such as media consumers accessing the media server 118 with a rendering device, or generated by the media server 118 as the user interacts with the media server 118. In one embodiment, the user information database 170 includes user information such as user name, gender, e-mail and other addresses, user preferences, etc. that the user may provide to the media server 118."**).

Regarding claim(s) 32-33, 36, 37:

A corresponding reasoning as given earlier in this section (see rejection of claim(s) 21-23, 26, 29 and 30-31) applies, mutatis mutandis, to the subject-matter of claim(s) 32-33, 36, 37, and therefore is/are also considered rejected under the grounds given in the rejection of claim(s) 21-23, 26, 29 and 30-31.

In other words, all citations rendered in the rejection of claim(s) 21-23, 26, 29 and 30-31 are applicable to corresponding limitations of claim(s) 32-33, 36, 37.

Claim Rejections - 35 USC § 103

12. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

13. The following is a quotation of pre-AIA 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, 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.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 24 and 34 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter "Spiegelman"), and further in view of US 20080248740 A1 (hereinafter "Lazovsky").

Regarding claim 24:

Although Spiegelman does not disclose the following limitation(s), Lazovsky discloses the following limitation(s):

wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of painting or photo exhibited at the venue or event of interest and on an image genre preference of the user inferred by the computer server based at least in part on image media stored in, or accessed using, the media player device (**¶0050: "a system for recommending a specific content item by a mobile device user to other one or more users (located within a communication range), according to an embodiment of the present invention. The recommended content item can be a song, movie, image, picture, painting, etc."**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman to make recommendations based on pictures, as taught in Lazovsky.

The motivation is to also include other media formats, such as pictures.

Regarding claim(s) 34:

A corresponding reasoning as given earlier in this section (see rejection of claim(s) 24) applies, mutatis mutandis, to the subject-matter of claim(s) 34, and therefore is/are also considered rejected under the grounds given in the rejection of claim(s) 24.

In other words, all citations rendered in the rejection of claim(s) 24 are applicable to corresponding limitations of claim(s) 34, and any *Graham v. John Deere Co* analysis used in determining obviousness under 35 U.S.C § 103 are applicable to claim(s) 34.

16. Claim 25 and 35 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter “Spiegelman”), and further in view of US 20070078884 A1 (hereinafter “Ott”).

Regarding claim 25:

Although Spiegelman does not disclose the following limitation(s), Ott discloses the following limitation(s):

wherein generate a recommendation comprises generate a recommendation based at least in part on a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and on a subject preference of the user inferred by the computer server based at least in part on podcast media stored in, or accessed using, the media player device (**¶0088: "include searching for podcasts containing the search criteria in their title and descriptions and/or in the title and descriptions of the episodes. Any textual information available, such as that provided in the feed 152 can be searched for matches to the criteria."**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman to make recommendations based on interest for podcasts, as taught in Ott.

The motivation is to also include other media formats, such as podcasts.

Regarding claim(s) 35:

A corresponding reasoning as given earlier in this section (see rejection of claim(s) 25) applies, mutatis mutandis, to the subject-matter of claim(s) 35, and therefore is/are also considered rejected under the grounds given in the rejection of claim(s) 25.

In other words, all citations rendered in the rejection of claim(s) 25 are applicable to corresponding limitations of claim(s) 35, and any *Graham v. John Deere Co* analysis used in determining obviousness under 35 U.S.C § 103 are applicable to claim(s) 35.

17. Claims 27-28 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over US 20080154696 A1 (hereinafter “Spiegelman”), and further in view of US 7,310,532 B1 (hereinafter "Knauerhase").

Regarding claim 27:

Although Spiegelman does not disclose the following limitation(s), Knauerhase discloses the following limitation(s):

The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive the current location of the media player device from the media player device (**Col. 4 Ln. 56-67: “The location of a mobile device may be specified in terms of the hotspot-access point that connects the mobile device to network 110.”**).

It would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to modify the teaching of Spiegelman to obtain the current location of a media player device, as taught in Knauerhase.

The motivation is to locate the user of a media player in real time.

Regarding claim 28:

The combination Spiegelman and Knauerhase teaches:

The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive a current location of the media player device from an access point through which the media player device establishes a network connection to the computer server (**Col. 4 Ln. 55-67**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER LAGOR whose telephone number is (571)270-5143. The examiner can normally be reached on Monday thru Friday, 9:00 AM to 5:00 PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashokkumar Patel can be reached on (571)272-3972. 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.

/ALEXANDER LAGOR/
Primary Examiner, Art Unit 2491

Examiner-Initiated Interview Summary	Application No.	Applicant(s)		
	14/860,339	FELDMAN ET AL.		
	Examiner	Art Unit	AIA (First Inventor to File) Status	Page
	ALEXANDER LAGOR	2491	No	1 of 1

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

1. ALEXANDER LAGOR (Primary Examiner); Telephonic
2. RYAN N. STRAUSS (Attorney of Record); Telephonic

Date of Interview: 07 September 2017

Claim(s) discussed: 21

Brief Description of main topic of discussion: A follow-up examination revealed that the previous office action failed to address several key deficiencies of the application, most notably lack of written support for some of the claim language. The applicant was contacted and it was agreed that a second office action would be the most appropriate course of action.

Issues Discussed:

/ALEXANDER LAGOR/ Primary Examiner, Art Unit 2491	

Applicant recordation instructions: It is not necessary for applicant to provide a separate record 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.

Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicant's responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04

Please further see:

MPEP 713.04
Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b)
37 CFR § 1.2 Business to be transacted in writing

Notice of References Cited	Application/Control No. 14/860,339	Applicant(s)/Patent Under Reexamination FELDMAN ET AL.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2007/0078884 A1	04-2007	Ott; Edward Stanley IV	G06F17/30864	1/1
*	B	US-7,310,532 B2	12-2007	Knauerhase; Robert C.	H04W4/02	455/404.2
*	C	US-2008/0154696 A1	06-2008	Spiegelman; Michael	G06F17/30867	705/7.32
*	D	US-2008/0248740 A1	10-2008	Lazovsky; Alexander	G06Q30/06	455/3.01
	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	CPC 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.

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S36	14	(("FELDMAN") near3 ("Evan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/09/06 18:37
S37	146	(("NELSON") near3 ("Jonathan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/09/06 18:37
S38	11	(S36 S37) & (media & location).CLM.	US-PGPUB; USPAT; USOCR	OR	ON	2017/09/06 18:38
S39	8187	H04W4/021	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 18:45
S40	109	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) near5 (player device mobile smartphone) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 18:50
S41	1587	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 19:07
S42	342	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proixmal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/06 19:08

EAST Search History (Prior Art)

S44	76	(media music songs pictures photos movies pics) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proximal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proximal proximity nearby vicinity local) near5 (events venue attraction service) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 09:22
S45	175	(media music songs pictures photos movies pics) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proximal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proximal proximity nearby vicinity local) near5 (shop store!) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 10:46
S46	20	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:23
S47	20	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:25
S48	66	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4 display$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:25
S49	46	S48 NOT S47	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:25
S50	87	(media music songs pictures photos movies pics) near5 (suggest$ recommend$4 display$4 offer$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:35

EAST Search History (Prior Art)

S51	21	S50 NOT S48	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:36
S52	124	(media music songs pictures photos movies pics) near5 (advertis$4 suggest$ recommend$4 display$4 offer$4) near5 (events venue attraction service concert) near5 (proximal proximity nearby vicinity local) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:38
S53	37	S52 NOT S50	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/07 12:38
S54	74	(media music songs pictures photos) near5 (search$4 examin$4 retriev$4 analyz$4 read$4) same (events venue attraction service) near5 (proixmal proximity nearby vicinity local) & (media music songs pictures photos) near2 (proixmal proximity nearby vicinity local) near5 (events venue attraction service) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 13:57
S55	140	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:11
S56	14	(stored near5 (media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:12
S57	1	((scan$4 analyz$4 search$4 found find$4) near5 (media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:14

EAST Search History (Prior Art)

S58	5	(("20040023666") or ("20070155307")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/09/08 14:16
S59	50	("2007/0155307").URPN.	USPAT	OR	ON	2017/09/08 14:17
S60	105	("2004/0023666").URPN.	USPAT	OR	ON	2017/09/08 14:17
S61	14	((media music songs pictures photos movies pics files) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:19
S62	2	((media music songs pictures photos movies pics files) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:21
S63	389	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest taste content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 14:24
S82	2	("20080154696").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/09/08 16:32
S83	2	("20070155307").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/09/08 16:58
S84	389	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local) near5 (preferences interest taste content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:04

EAST Search History (Prior Art)

S85	0	S84 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:04
S86	15038	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:06
S87	2	S86 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:06
S88	6524	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:06
S89	1190	((media music songs pictures photos movies pics files content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) same (events venue attraction service) near5 (proximal proximity nearby vicinity local)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:07
S90	0	S89 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:07
S91	5640	((media music songs pictures photos movies pics content) same (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:07

EAST Search History (Prior Art)

S92	189	((media music songs pictures photos movies pics content) same (suggest$ recommend$5 propos$4 display$4 notify$4 alert$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) near5 (user consumer) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:08
S93	0	S92 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:09
S94	2898	((media music songs pictures photos movies pics content) same (suggest$ recommend$5 propos$4 display$4 notify$4 alert$4) near5 (events venue attraction service) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)) same (user consumer) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:10
S95	2	S91 & (Spiegelman).IN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/09/08 18:11
S96	62	recommend$4 near5 painting & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/02 17:51
S99	20	recommend$4 near5 podcast & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/02 18:00
S103	3799	(portable mobile) same location near5 (router access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:24

EAST Search History (Prior Art)

S104	1912	(portable mobile) near5 location near5 (router access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:49
S105	1314	(portable mobile) near5 location near5 (access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:49
S106	89	(portable mobile) near5 current near5 location near5 (access adj2 point) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/10/03 08:50
S107	2	("20150296347").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/10/03 11:04

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S64	5641	(H04W4/021).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 13:59
S65	4082	(H04W4/028).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 13:59
S66	16721	(G06F17/30867).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:00
S67	53969	(G06Q30/02).CPC.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:00
S68	0	(S64 S65 S66 S67) & ((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:01

EAST Search History (Interference)

S69	2	(S64 S65 S66 S67) & ((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) & (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:01
S70	0	((media music songs pictures photos movies pics) near5 (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:02
S71	14	((media music songs pictures photos movies pics) & (suggest$ recommend$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:02
S72	586	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 related linked connected propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:04
S73	35	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$4 related linked connected propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:04
S74	418	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 related propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:05
S75	268	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction service) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:05
S76	160	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:06
S77	61	((media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:06

EAST Search History (Interference)

S78	41	((read$4 scan$4 analyz$4 search$4 find$4) near2 (media music songs pictures photos movies pics files) & (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:07
S79	2	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$4 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:09
S80	4	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local) & (GPS location)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:10
S81	11	((media music songs pictures photos movies pics files) near5 (suggest$ recommend$5 propos$4 display$4 notify$4) near5 (events venue attraction) near5 (proximal proximity nearby vicinity local)).CLM.	US-PGPUB; USPAT	OR	ON	2017/09/08 14:10

Search Strategy

Databases: China Patents Fulltext, Derwent World Patents Index®, European Patents Fulltext, Germany Patents Fulltext, Japan Patents Fulltext, Korea Patents Fulltext, United States Patents Fulltext, WIPO PCT Patents Fulltext

Set#	Searched for	Results
S1	“media” OR multimedia OR audio OR song OR music OR picture OR pic OR pix OR photo OR photograph* OR video OR movie OR clip	86185781*
S2	s1 N/3 (analyz* OR analys* OR read$4 OR examin* OR search$4 OR inspect* OR evaluat* OR probe$1 OR probing OR retriev* OR listen* OR access*)	3047766*
S3	device OR terminal OR node OR client OR computer OR player OR console OR workstation OR (work P/0 station) OR laptop OR desktop OR cellphone OR smartphone OR telephone OR phone OR PDA OR (personal P/0 digital P/0 assistant) OR blackberry OR tablet	71832851*
S4	s2 N/7 s3	1464715*
S5	event OR happening OR venue OR attraction OR service OR concert OR performance OR gig OR show OR offer OR coupon	66604119*
S6	s5 N/3 (local OR locale OR locality OR nearby OR closeby OR “near” OR close OR vicinity OR proximity OR proximal OR proximate* OR neighbor* OR neighbour* OR (surrounding P/1 (area OR region)))	1013364*
S7	s6 N/5 (inform$3 OR tell$4 OR notif* OR alert$4 OR trigger* OR warn$4 OR present* OR show$4 OR display$4 OR view$4 OR recommend* OR suggest* OR propose$1 OR proposing OR invit*)	562877*
S8	s4 N/30 s7	99°
S9	s8 AND APDA(<=2007)	27°
S10	s2 N/5 (stor$4 OR sav$4 OR contain$4 OR includ$4 OR on) N/5 s3	884746*
S11	s10 N/20 s6	164°
S12	s11 NOT s8	148°
S13	s12 AND APDA(<=2007)	45°
S14	s1 N/3 (analyz* OR analys*)	382854*
S15	event OR happening OR venue OR attraction OR concert	10988694*
S16	s15 N/3 (local OR locale OR locality OR nearby OR closeby OR “near” OR close OR vicinity OR proximity OR proximal OR proximate* OR neighbor* OR neighbour* OR (surrounding P/1 (area OR region)))	136199*
S17	s14 N/50 s16	120°
S18	s17 NOT (s8 OR s11)	114°

S19	s18 AND APDA(<=2007)	31°

* Duplicates are removed from the search, but included in the result count.

° Duplicates are removed from the search and from the result count.

Search Strategy

Databases: ABI/INFORM® Professional Advanced, Abstracts in New Technology & Engineering, Ei Compendex®, Gale Group Computer Database™, Gale Group New Product Announcements / Plus®, Gale Group Newsletter Database™, Gale Group PROMT®, Inspec®, NTIS: National Technical Information Service, ProQuest Advanced Tech & Aerospace Professional, SciSearch®: a Cited Reference Science Database, UBM Computer Full Text

Set#	Searched for	Results
S1	“media” OR multimedia OR audio OR song OR music OR picture OR pic OR pix OR photo OR photograph* OR video OR movie OR clip	60940819*
S2	s1 N/3 (analyz* OR analys* OR read$4 OR examin* OR search$4 OR inspect* OR evaluat* OR probe$1 OR probing OR retriev* OR listen* OR access*)	1997724*
S3	device OR terminal OR node OR client OR computer OR player OR console OR workstation OR (work P/0 station) OR laptop OR desktop OR cellphone OR smartphone OR telephone OR phone OR PDA OR (personal P/0 digital P/0 assistant) OR blackberry OR tablet	72993297*
S4	s2 N/7 s3	213255*
S5	event OR happening OR venue OR attraction OR service OR concert OR performance OR gig OR show OR offer OR coupon	110700845*
S6	s5 N/3 (local OR locale OR locality OR nearby OR closeby OR “near” OR close OR vicinity OR proximity OR proximal OR proximate* OR neighbor* OR neighbour* OR (surrounding P/1 (area OR region)))	2489595*
S7	s6 N/5 (inform$3 OR tell$4 OR notif* OR alert$4 OR trigger* OR warn$4 OR present* OR show$4 OR display$4 OR view$4 OR recommend* OR suggest* OR propose$1 OR proposing OR invit*)	321297*
S8	s4 N/30 s7	39°
S9	s8 AND YR(<=2007)	17°
S10	s2 N/5 (stor$4 OR sav$4 OR contain$4 OR includ$4 OR on) N/5 s3	45725*
S11	s10 N/20 s6	68°
S12	s11 NOT s8	64°
S13	s12 AND YR(<=2007)	29°
S14	s1 N/3 (analyz* OR analys*)	545526*
S15	event OR happening OR venue OR attraction OR concert	19825131*
S16	s15 N/3 (local OR locale OR locality OR nearby OR closeby OR “near” OR close OR vicinity OR proximity OR proximal OR proximate* OR neighbor* OR neighbour* OR (surrounding P/1 (area OR region)))	323989*
S17	s14 N/50 s16	225°

S18	s17 NOT (s8 OR s11)	225°
S19	s18 AND YR(<=2007)	49°

* Duplicates are removed from the search, but included in the result count.

° Duplicates are removed from the search and from the result count.

Complete Main Concept Text
==========
One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to: retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media; infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device; access one or more sources of information about venues or events proximal to a current location of the user; identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user; generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and communicate the recommendation to the user.

Collections (53)
==========
US Patents
US Designs
US Applications
Canadian Patents
Canadian Applications
Mexican Patents
Mexican Applications
European Patents
European Applications
French Patents
French Applications
German Patents
German Applications
Great Britain Patents
Great Britain Applications
Netherlands Patents
Netherlands Applications
Luxembourg Patents
Denmark Patents
Denmark Applications
Finnish Patents
Finnish Applications
Sweden Patents
Sweden Applications
Switzerland Patents
Switzerland Applications
Austrian Patents
Austrian Applications
Italian Patents
Italian Applications
Spanish Patents
Spanish Applications
Poland Patents
Poland Applications
Chinese Patents
Chinese Applications
Indian Patents

Indian Applications
Japanese Patents
Japanese Applications
Korean Patents
Korean Applications
Taiwanese Patents
Taiwanese Applications
Israel Applications
Australian Patent Documents
Brazil Patents
Brazil Applications
New Zealand Patents
Russian Patents
Russian Applications
WIPO Applications
South Africa Patents

Filters (1)
==========
Earliest Priority Date: To: 2007-06-22

Other Options
==========
Sort by: Relevance
Relevance Cut-off: None
De-dup: Simple Family Numbers

Complete Main Concept Text
==========
One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to: retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media; infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device; access one or more sources of information about venues or events proximal to a current location of the user; identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user; generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and communicate the recommendation to the user.

Collections (11)
==========
IEEE Xplore Publications: IEEE Periodicals
IEEE Xplore Publications: IEEE Conferences
IEEE Xplore Publications: IEEE Standards
IEEE Xplore Publications: IEEE Early Access
Prior Art Database: The IP.com Journal
Prior Art Database: Internet Society RFC
Prior Art Database: IBM TDB Archive
Prior Art Database: Legacy Journals
Prior Art Database: Software Patent Institute
Other Literature: IBM Redbooks
Other Literature: PubMed Central

Filters (1)
==========
Publication Date: To: 2007-06-22

Other Options
==========
Sort by: Relevance
Relevance Cut-off: None

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14860339	FELDMAN ET AL.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CPC- SEARCHED

Symbol	Date	Examiner
H04W4/021*	4/13/2017 (Updated: 9/6/2017)	AL (Updated: AL)

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES

Search Notes	Date	Examiner
Inventor's search - see EAST search notes	4/13/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	4/13/2017 (Updated: 10/3/2017)	AL (Updated: AL)
NPL (STIC) - see search history printout	9/7/2017	AL

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
H04W	4/021,4/028	9/8/2017	AL
G06F	17/30867	9/8/2017	AL
G06Q	30/02	9/8/2017	AL

	/ALEXANDER LAGOR/ Primary Examiner.Art Unit 2491

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14860339	FELDMAN ET AL.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

✓	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	04/13/2017	10/03/2017							
	1	-	-							
	2	-	-							
	3	-	-							
	4	-	-							
	5	-	-							
	6	-	-							
	7	-	-							
	8	-	-							
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	20	-	-							
	21	✓	✓							
	22	✓	✓							
	23	✓	✓							
	24	✓	✓							
	25	✓	✓							
	26	✓	✓							
	27	✓	✓							
	28	✓	✓							
	29	✓	✓							
	30	✓	✓							
	31	✓	✓							
	32	✓	✓							
	33	✓	✓							
	34	✓	✓							
	35	✓	✓							
	36	✓	✓							

Doc Code: DIST.E.FILE **Document Description: Electronic Terminal Disclaimer - Filed**	PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**
Application Number	14860339
Filing Date	21-Sep-2015
First Named Inventor	Evan Feldman
Attorney Docket Number	120083-204973 (07-0035C)
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
VARIA HOLDINGS LLC	100%

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

9141960

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

◉ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.

○ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.

Applicant claims the following fee status:

○ Small Entity

○ Micro Entity

◉ Regular Undiscounted

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.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

Registration Number 68392

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application

○ A joint inventor; all of whom are signing this request

Signature	/Ryan N. Strauss/
Name	Ryan N. Strauss

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal

Application Number:	14860339
Filing Date:	21-Sep-2015
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Filer:	Ryan Nathan Strauss/Enoy Lawless
Attorney Docket Number:	120083-204973 (07-0035C)

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**160**

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 14860339

Filing Date: 21-Sep-2015

Applicant/Patent under Reexamination: Feldman

Electronic Terminal Disclaimer filed on July 6, 2017

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt

EFS ID:	29705013
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	06-JUL-2017
Filing Date:	21-SEP-2015
Time Stamp:	15:40:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$160
RAM confirmation Number	070717INTEFSW00002210500393
Deposit Account	500393
Authorized User	Enoy Lawless

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

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 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	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	33444 67ee610c0edd04fc897986e8046727aa7e37fc33	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30725 90fc3df35aa2420b02fbb2ea12559cd1f32529d3	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	64169		

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 Application of: Feldman et al.	Examiner: Alexander LAGOR
Application No.: 14/860,339	Group Art Unit: 2491
Filed: September 21, 2015	Confirmation No.: 4893
For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

Mail Stop **Amendment**
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION

This paper is filed in response to the non-final Office Action having a notification date of April 19, 2017. Entry of the following claims and consideration of the following remarks is respectfully requested.

Listing of the Claims begin on page **2**.

Remarks begin on page **6**.

LISTING OF THE CLAIMS

1-20. (Canceled)

21. (Previously Presented) One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to:

retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media;

infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

communicate the recommendation to the user.

22. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of music played at the venue or event of interest and on a music genre preference of the user inferred by the computer server based at least in part on music media stored in, or accessed using, the media player device.

23. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of a play or movie played at the venue or event of interest,

respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the media player device.

24. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of painting or photo exhibited at the venue or event of interest and on an image genre preference of the user inferred by the computer server based at least in part on image media stored in, or accessed using, the media player device.

25. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and on a subject preference of the user inferred by the computer server based at least in part on podcast media stored in, or accessed using, the media player device.

26. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein the instructions are further to cause the computer server to infer the current location of the user of the media player device.

27. (Previously Presented) The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive the current location of the media player device from the media player device.

28. (Previously Presented) The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive a current location of the media player device from an access point through which the media player device establishes a network connection to the computer server.

29. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein said communicate the recommendation comprises transmit the recommendation to the media player device.

30. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein said communicate comprises transmit the recommendation by either sending one or more of: a short message service (SMS) message, an email message, a pager message or a facsimile message to the user, or by placing a call to the user.

31. (Previously Presented) The one or more non-transitory computer-readable media of claim 21, wherein the instructions further cause the computer server to retrieve the plurality of media or the information about said plurality of media from a storage within the computer server.

32. (Previously Presented) One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a media player device, cause the media player device to:

provide, to a server, a current location of the media player device to facilitate the server in inferring a current location of a user of the media player device; and

receive, from the server, a recommendation indicating an event or venue of interest located proximal to the inferred current location of the user as being of interest to the user;

wherein the recommendation is generated by the server based at least in part on the inferred current location, data accessed by the server from one or more sources of information about venues or events proximal to the current location of the user, and one or more entertainment preferences of the user, the event or venue of interest being one of said venues or events; and

wherein the one or more entertainment preferences are inferred by the server based at least in part on an analysis, by the server, of a plurality of media stored on or accessed using the media player device or information about said plurality of media.

33. (Previously Presented) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on a genre of music played at the event or venue of interest and on a music genre preference of the user inferred by the server based at least in part on music media stored in, or accessed using, the media player device.

33. (Previously Presented) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based at least in part on video media stored in, or accessed using, the media player device.

34. (Previously Presented) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based at least in part on image media stored in, or accessed using, the media player device.

35. (Previously Presented) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based at least in part on podcast media stored in, or accessed using, the media player device.

36. (Previously Presented) The one or more non-transitory computer-readable media of claim 32, wherein receive the recommendation comprises receive the recommendation by receiving one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call.

REMARKS

No claims have been presently amended, cancelled, or added by way of this paper. Claims 1-20 were previously cancelled herein without prejudice. No new matter is added. Claims 21-36 are pending. Favorable reconsideration of this application, in light of the following remarks, is respectfully requested.

Double Patenting Rejection

Claims 21-36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Pat. No. 9,141,960. This rejection has been rendered moot by the Terminal Disclaimer filed concurrently with this paper. Accordingly, withdraw of this rejection is respectfully requested.

CONCLUSION

All pending claims are believed to be in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at 1-(503)796-2441 if the Examiner believes that an interview might be useful for any reason. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

Date: July 6, 2017

By: /Ryan N. Strauss/
Ryan N. Strauss, Reg. No.: 68,392

Electronic Acknowledgement Receipt

EFS ID:	29705104
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	06-JUL-2017
Filing Date:	21-SEP-2015
Time Stamp:	15:43:47
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		Varia-07-0035C_RESPONSE_07_06_17.pdf	91387 7bc10ea47c176148859a062ff59ae66e3277f6c6	yes	6

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	6

Warnings:	
Information:	
Total Files Size (in bytes):	91387

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	Filing Date	
14/860,339	09/21/2015	☐ 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

07/06/2017	(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))	* 17	Minus	** 20	= 0	x $80 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	x $420 =	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
ANTJUAN RIVERA

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)	4893

25943 7590 04/19/2017
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER
LAGOR, ALEXANDER

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
04/19/2017	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):

IPDocketing@SCHWABE.com
patent@schwabe.com

Office Action Summary	Application No. 14/860,339	Applicant(s) FELDMAN ET AL.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	AIA (First Inventor to File) Status No

-- 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 MONTHS 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 *04/14/2016*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) *21-36* 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) *21-36* 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 *9/21/2015* 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).

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)).

** 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/08a and/or PTO/SB/08b) 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.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/14/2016 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

4. Claims 21-36 are rejected on the ground of nonstatutory double patenting as being unpatentable over claim 1-25 of U.S. Patent No. 9,141,960. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims of 21-36 are entirely contained within the claims of 1-25.

5. For example, claim 1 of the '960 patent illustrates how it relates to claim 21 of this application:

14/860,339	U.S. Patent No. 9,141,960
21. One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to:	1. A method comprising:
retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media;	retrieving, by a server, a plurality of media stored on or accessed using a portable media player device, or information about said plurality of media;
infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device;	inferring, by the server, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the portable media player device;
access one or more sources of information	accessing, by the server, one or more

about venues or events proximal to a current location of the user;	sources of information about venues or events proximal to a current location of the user;
identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;	identifying, by the server, at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;
generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and	generating, by the server, a recommendation indicating the identified venue or event as a venue or event of interest to the user; and
communicate the recommendation to the user.	communicating, by the server, the recommendation to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER LAGOR whose telephone number is (571)270-5143. The examiner can normally be reached on Monday thru Friday, 9:00 AM to 5:00 PM.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashokkumar Patel can be reached on (571)272-3972. 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.

/ALEXANDER LAGOR/
Primary Examiner, Art Unit 2491

Notice of References Cited	Application/Control No. 14/860,339	Applicant(s)/Patent Under Reexamination FELDMAN ET AL.	
	Examiner ALEXANDER LAGOR	Art Unit 2491	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2005/0181776 A1	08-2005	Verma, Shaily	H04L69/329	455/418
*	B	US-2004/0023666 A1	02-2004	Moon, George Christopher	G06F17/3087	455/456.1
*	C	US-2002/0055926 A1	05-2002	Dan, Meir	G01C21/20	1/1
	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	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

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

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BIB DATA SHEET

CONFIRMATION NO. 4893

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
14/860,339	09/21/2015 **RULE**	709	2491	120083-204973 (07-0035C)

APPLICANTS
VARIA HOLDINGS LLC, BROOKLYN, NY;

INVENTORS
Evan Feldman, Woodinville, WA;
Jonathan Nelson, Seattle, WA;

**** CONTINUING DATA ***************************
This application is a CON of 12/144,532 06/23/2008 PAT 9141960
which claims benefit of 60/945,677 06/22/2007

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

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
10/02/2015

Foreign Priority claimed	☐ Yes ☑ No		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	☐ Yes ☑ No	☐ Met after Allowance	WA	4	20	3
Verified and Acknowledged	/ALEXANDER LAGOR/ Examiner's Signature	Initials				

ADDRESS
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204
UNITED STATES

TITLE
VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

FILING FEE RECEIVED		
1740	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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14860339	FELDMAN ET AL.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

✓	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	04/13/2017								
	1	-								
	2	-								
	3	-								
	4	-								
	5	-								
	6	-								
	7	-								
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	30	✓								
	31	✓								
	32	✓								
	33	✓								
	34	✓								
	35	✓								
	36	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14860339	FELDMAN ET AL.
	Examiner	**Art Unit**
	ALEXANDER LAGOR	2491

CPC- SEARCHED

Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED

Symbol	Date	Examiner

US CLASSIFICATION SEARCHED

Class	Subclass	Date	Examiner

SEARCH NOTES

Search Notes	Date	Examiner
Inventor's search - see EAST search notes	4/13/2017	AL
EAST (USPAT,USPGPUB,USOCR,IBM,DERWENT,EPO,JPO,FPRS) - see search history printout	4/13/2017	AL

INTERFERENCE SEARCH

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

	/ALEXANDER LAGOR/ Primary Examiner.Art Unit 2491

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14860339
Filing Date	2015-09-21
First Named Inventor	Evan Feldman
Art Unit	2491
Examiner Name	4893
Attorney Docket Number	120083-204973 (07-0035C)

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1					

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Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20040023666	A1	2004-02-05	Moon et al.	
	2	20070155307	A1	2007-07-05	Ng e tal.	

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1							

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.L/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14860339
Filing Date	2015-09-21
First Named Inventor	Evan Feldman
Art Unit	2491
Examiner Name	4893
Attorney Docket Number	120083-204973 (07-0035C)

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Office Action mailed June 16, 2010 for Application No. 12/144,532, 12 pages.	
	2	Final Office Action mailed November 10, 2010 for Application No. 12/144,532, 17 pages.	
	3	Office Action mailed March 2, 2011 for Application No. 12/144,532, 15 pages.	

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature	/ALEXANDER LAGOR/	Date Considered	04/13/2017

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.L/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14860339
Filing Date	2015-09-21
First Named Inventor	Evan Feldman
Art Unit	2491
Examiner Name	4893
Attorney Docket Number	120083-204973 (07-0035C)

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

X A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Ryan C. Fox-Lee/	Date (YYYY-MM-DD)	2016-04-14
Name/Print	Ryan C. Fox-Lee	Registration Number	65369

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.L/

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 record s.

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.

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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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.L/

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2	("20040023666"|"20070155307").PN.	US-PGPUB; USPAT	OR	ON	2017/04/12 17:23
S2	14	(("FELDMAN") near3 ("Evan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/04/12 17:59
S3	142	(("NELSON") near3 ("Jonathan")).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2017/04/12 17:59
S4	6	(media music song) near5 (venue events) near5 proximity near5 user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:06
S5	1	recommend$4 near5 (venue events) near5 (near$2 proximity) near5 user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:14
S6	1	recommend$4 near5 (venue events) near5 (near$2 proximity vicinity) near5 user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:15
S7	6	recommend$4 near5 (venue events) near5 (near$2 proximity vicinity) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:15
S8	32	(suggest$4 propos$4) near5 (venue events) near5 (near$2 proximity vicinity) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:17

EAST Search History (Prior Art)

S9	15	discover$4 near5 (venue events) near5 (near$2 proximity vicinity) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:20
S10	853	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:25
S11	337	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:25
S12	4	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:47
S13	7	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:47
S14	7	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user same (songs multimedia pictures photos) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:48
S15	3	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same user near5 interest & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:49

EAST Search History (Prior Art)

S16	67	recommend$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 18:51
S17	156	suggest$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:25
S18	67	recommend$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:26
S19	148	S17 NOT S18	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:26
S20	3	suggest$4 near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (media songs music) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:41
S21	35	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (music songs taste preferences likes! movies books interests!) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:43
S22	23	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same media! & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 21:48

EAST Search History (Prior Art)

S23	69	(recommend$4 discover$4 propos$4 suggest$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (songs music movie media!) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 23:27
S24	88	(recommend$4 discover$4 propos$4 suggest$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) same (songs music movie media! books) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/12 23:28
S25	2	("9,141,960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 15:39
S26	2	("9141960").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 15:40
S27	5	(recommend$4 discover$4 propos$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) near5 (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 15:58
S28	5	(recommend$4 discover$4 propos$4 suggest$4) near5 (venue events services attraction) near5 (near$2 proximity vicinity neighborhood nearby around location) near5 (songs multimedia pictures) & (@ad<"20070622" @rlad<"20070622" & @ad>="20070622" @pd<"20070622")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2017/04/13 16:00
S29	2	(13/198101).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 16:04
S30	3	("20030028621").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2017/04/13 17:30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Evan Feldman

Application No.: 14/860,339

Filed: September 21, 2015

For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Examiner: Evans Desrosiers

Art Group: 2491

Confirmation No.: 4893

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Response to Informational Notice to Applicant

In Response to the Informational Notice to Applicant mailed December 14, 2015, Applicant encloses the following:

1) A copy of the Declaration signed by Evan Feldman and Jonathan Nelson.

The Commissioner is herebry authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: June 21, 2016

By: /Ryan N. Strauss/
Ryan N. Strauss
Reg. No.: 68392

PTO/AIA/01 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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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	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

As the below named inventor, I hereby declare that:

This declaration is directed to:

☐ The attached application, or

☑ United States application or PCT international application number 14/860,339 filed on September 21, 2015.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

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.

LEGAL NAME OF INVENTOR

Inventor: Evan Feldman Date (Optional): 4 May 16

Signature: [signature]

Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.

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.

PTO/AIA/01 (06-12)
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 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 VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

As the below named inventor, I hereby declare that:

This declaration is directed to:

☐ The attached application, or

☑ United States application or PCT international application number 14/860,339

filed on September 21, 2015

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

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LEGAL NAME OF INVENTOR

Inventor: Jonathan Nelson Date (Optional): 7/12/2016

Signature:

Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.

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:	26133075
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan Nathan Strauss/Enoy Lawless
Filer Authorized By:	Ryan Nathan Strauss
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	21-JUN-2016
Filing Date:	21-SEP-2015
Time Stamp:	18:42:38
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	Applicant Response to Pre-Exam Formalities Notice	Varia-07-0035C-Resp-Info-Ntc.pdf	67971 a9d7be01366331b420d6e64f667a8e3562f07828	no	1

Warnings:

Information:

2	Oath or Declaration filed	Varia-07_0035C-DECS.pdf	291393 475cc74c72a287cb5ef32837656bd75c8a88b46c	no	2

Warnings:

Information:

Total Files Size (in bytes):	359364

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 Application of:

Feldman et al.

Application No.: 14/860,339

Filed: September 21, 2015

For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Examiner: Desrosiers, Evans

Group Art Unit: 2491

Confirmation No.: 4893

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Dear Examiner:

Before considering this application, please amend the specification and claims as indicated below. Examination of the application as amended is respectfully requested.

Amendments to the Claims begin on page **2**.

Remarks begin on page **6**.

AMENDMENTS TO THE CLAIMS

Please cancel claims 1- 20 and add new claims 21-36. This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1-20. (Canceled)

21. (New) One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a computer server, cause the computer server to:

retrieve a plurality of media stored on or accessed using a media player device, or information about said plurality of media;

infer, based at least in part on the retrieved plurality of media or the retrieved information about said plurality of media, one or more entertainment preferences of a user of the media player device;

access one or more sources of information about venues or events proximal to a current location of the user;

identify at least one of said venues or events as being of interest to the user based at least in part on the one or more entertainment preferences inferred by the server and the current location of the user;

generate a recommendation indicating the identified venue or event as a venue or event of interest to the user; and

communicate the recommendation to the user.

22. (New) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of music played at the venue or event of interest and on a music genre preference of the user inferred by the computer server based at least in part on music media stored in, or accessed using, the media player device.

23. (New) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of a play or movie played at the venue or event of interest, respectively, and on a video genre preference of the user inferred by the computer server based at least in part on video media stored in, or accessed using, the media player device.

24. (New) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a genre of painting or photo exhibited at the venue or event of interest and on an image genre preference of the user inferred by the computer server based at least in part on image media stored in, or accessed using, the media player device.

25. (New) The one or more non-transitory computer-readable media of claim 21, wherein generate a recommendation comprises generate a recommendation based at least in part on a denomination of religion or a historic or cultural attribute associated with the venue or event of interest and on a subject preference of the user inferred by the computer server based at least in part on podcast media stored in, or accessed using, the media player device.

26. (New) The one or more non-transitory computer-readable media of claim 21, wherein the instructions are further to cause the computer server to infer the current location of the user of the media player device.

27. (New) The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive the current location of the media player device from the media player device.

28. (New) The one or more non-transitory computer-readable media of claim 26, wherein infer the current location comprises receive a current location of the media player device from an access point through which the media player device establishes a network connection to the computer server.

29. (New) The one or more non-transitory computer-readable media of claim 21, wherein said communicate the recommendation comprises transmit the recommendation to the media player device.

30. (New) The one or more non-transitory computer-readable media of claim 21, wherein said communicate comprises transmit the recommendation by either sending one or more of: a short message service (SMS) message, an email message, a pager message or a facsimile message to the user, or by placing a call to the user.

31. (New) The one or more non-transitory computer-readable media of claim 21, wherein the instructions further cause the computer server to retrieve the plurality of media or the information about said plurality of media from a storage within the computer server.

32. (New) One or more non-transitory computer-readable media containing instructions written thereon that, in response to execution on a media player device, cause the media player device to:

provide, to a server, a current location of the media player device to facilitate the server in inferring a current location of a user of the media player device; and

receive, from the server, a recommendation indicating an event or venue of interest located proximal to the inferred current location of the user as being of interest to the user;

wherein the recommendation is generated by the server based at least in part on the inferred current location, data accessed by the server from one or more sources of information about venues or events proximal to the current location of the user, and one or more entertainment preferences of the user, the event or venue of interest being one of said venues or events; and

wherein the one or more entertainment preferences are inferred by the server based at least in part on an analysis, by the server, of a plurality of media stored on or accessed using the media player device or information about said plurality of media.

33. (New) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in

part on a genre of music played at the event or venue of interest and on a music genre preference of the user inferred by the server based at least in part on music media stored in, or accessed using, the media player device.

33. (New) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on a theatrical or cinematography genre of the event or venue of interest and on a video genre preference of the user inferred by the server based at least in part on video media stored in, or accessed using, the media player device.

34. (New) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on an exhibit genre of the event or venue of interest and on an image genre preference of the user inferred by the server based at least in part on image media stored in, or accessed using, the media player device.

35. (New) The one or more non-transitory computer-readable media of claim 32, wherein receive a recommendation comprises receive a recommendation based at least in part on an attribute of a worship, cultural, community or political event or venue of interest and on a subject preference of the user inferred by the server based at least in part on podcast media stored in, or accessed using, the media player device.

36. (New) The one or more non-transitory computer-readable media of claim 32, wherein receive the recommendation comprises receive the recommendation by receiving one or more of: a short message service (SMS) message, an email message, a pager message, a facsimile message, or a call.

REMARKS

Claims 1-20 are cancelled herein without prejudice. New claims 21-36 are added. The new claims and claims as amended are fully supported by the original disclosure, and no new matter is added.

Entry of the amendments to the specification and claims prior to examination is respectfully requested.

CONCLUSION

All pending claims are believed to be in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (503) 796-2446 if the Examiner believes that an interview might be useful for any reason. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

Date: April 14, 2015

By: /Ryan C. Fox-Lee/
Ryan C. Fox-Lee
Reg. No.: 65,369

PTO/SB/08a (03-15)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	14860339
Filing Date	2015-09-21
First Named Inventor	Evan Feldman
Art Unit	2491
Examiner Name	4893
Attorney Docket Number	120083-204973 (07-0035C)

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	2	20070155307	A1	2007-07-05	Ng e tal.	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	14860339
	Filing Date	2015-09-21
	First Named Inventor	Evan Feldman
	Art Unit	2491
	Examiner Name	4893
	Attorney Docket Number	120083-204973 (07-0035C)

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Office Action mailed June 16, 2010 for Application No. 12/144,532, 12 pages.	
	2	Final Office Action mailed November 10, 2010 for Application No. 12/144,532, 17 pages.	
	3	Office Action mailed March 2, 2011 for Application No. 12/144,532, 15 pages.	

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	14860339
	Filing Date	2015-09-21
	First Named Inventor	Evan Feldman
	Art Unit	2491
	Examiner Name	4893
	Attorney Docket Number	120083-204973 (07-0035C)

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Ryan C. Fox-Lee/	Date (YYYY-MM-DD)	2016-04-14
Name/Print	Ryan C. Fox-Lee	Registration Number	65369

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Acknowledgement Receipt

EFS ID:	25497206
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan C. Fox-Lee/Enoy Lawless
Filer Authorized By:	Ryan C. Fox-Lee
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	14-APR-2016
Filing Date:	21-SEP-2015
Time Stamp:	18:15:42
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		Vaira_07-0035C_PRELIM_AMEND_04_14_16.pdf	89635 4f93b9b2277ed913d8d2dde05660120214d5b972	yes	6

	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Preliminary Amendment		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	6	
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	Varia_07-0035C_IDS.pdf	1035324 b3c0507959f5bdfb9c61ccf554282c9fcc0332e4	no	4
Warnings:					
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3	Non Patent Literature	Varia_07-0035-OA_06-16-10.pdf	281169 9eb2e99b619592a8d282202a17f897cc9ce50731	no	12
Warnings:					
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4	Non Patent Literature	Varia_07-0035_FOA_11-10-10.pdf	773384 42d4dd8ba63a81f742090818f59b28d6b7f8c921	no	17
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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.

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	
14/860,339	09/21/2015	☐ 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

04/14/2016	(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))	* 17	Minus	** 20	= 0	x $80 =	0
Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	x $420 =	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".

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The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LDRC
/LYNN NELSON/

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)

CONFIRMATION NO. 4893

PUBLICATION NOTICE

OC000000081679159

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

Title:VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Publication No.US-2016-0088437-A1
Publication Date:03/24/2016

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

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In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)

CONFIRMATION NO. 4893

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

INFORMAL NOTICE

OC000000079304690

Date Mailed: 12/14/2015

INFORMATIONAL NOTICE TO APPLICANT

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
  Evan Feldman
  Jonathan Nelson

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/fasrat/

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/860,339	09/21/2015	Evan Feldman	120083-204973 (07-0035C)

CONFIRMATION NO. 4893

POA ACCEPTANCE LETTER

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

OC000000079304634

Date Mailed: 12/14/2015

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/07/2015.

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.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

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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
14/860,339	09/21/2015	2837	1740	120083-204973 (07-0035C)	20	3

CONFIRMATION NO. 4893

UPDATED FILING RECEIPT

OC000000079304689

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

Date Mailed: 12/14/2015

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)

Evan Feldman, Woodinville, WA;
Jonathan Nelson, Seattle, WA;

Applicant(s)

VARIA HOLDINGS LLC, BROOKLYN, NY;

Power of Attorney: The patent practitioners associated with Customer Number 25943

Domestic Priority data as claimed by applicant

This application is a CON of 12/144,532 06/23/2008 PAT 9141960
which claims benefit of 60/945,677 06/22/2007

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.

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: No

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 10/02/2015

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/860,339**

Projected Publication Date: 03/24/2016

Non-Publication Request: No

Early Publication Request: No
Title

VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Preliminary Class

084

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

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).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number
14/860,339

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	280
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*			OR	x 80 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*				x 420 =	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			TOTAL	1600

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 =	
AMENDMENT A	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT A	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT A	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($)	ADDITIONAL FEE($)	OR	RATE($)	ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
AMENDMENT B	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT B	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT B	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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for: Evan Feldman Application No.: 14/860,339 Filed: Septemer 21, 2015 For: VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	Examiner: Not Yet Assigned Art Group: 2837 Confirmation No. 4893

Mail Stop MISSING PARTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION (FILING DATE GRANTED)

Attached for filing in the above-referenced patent application, in response to the Notice to File Missing Parts of Nonprovisional Application dated October 6, 2015, are the following:

(1) Payment by Deposit Account in the amount of $1740.00 (basic filing fee, surcharge, search fee and exam fee).

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: December 7, 2015

/Ryan C. Fox-Lee/
Ryan C. Fox-Lee
Reg. No. 65,369

Pacwest Center, Suite 1600
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: (503)222-9981

Electronic Patent Application Fee Transmittal

Application Number:	14860339
Filing Date:	21-Sep-2015
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Filer:	Ryan C. Fox-Lee/Enoy Lawless
Attorney Docket Number:	120083-204973 (07-0035C)

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility application filing	1011	1	280	280
Utility Search Fee	1111	1	600	600
Utility Examination Fee	1311	1	720	720
Pages:				
Claims:				
Miscellaneous-Filing:				
Late Filing Fee for Oath or Declaration	1051	1	140	140
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1740**

Electronic Acknowledgement Receipt

EFS ID:	24283989
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan C. Fox-Lee/Enoy Lawless
Filer Authorized By:	Ryan C. Fox-Lee
Attorney Docket Number:	120083-204973 (07-0035C)
Receipt Date:	07-DEC-2015
Filing Date:	21-SEP-2015
Time Stamp:	17:52:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1740
RAM confirmation Number	5036
Deposit Account	500393
Authorized User	LAWLESS, ENOY

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	Power of Attorney	Vaira-07-0035C_POA.pdf	206635 56544de152f8ae65f74edefa8fbd9cda3cc04e77	no	1
Warnings:					
Information:					
2	Assignee showing of ownership per 37 CFR 3.73	Varia-07-0035C_373c.pdf	91819 07b01ea3254addda77552ec0b9c87a523ed8ce8	no	2
Warnings:					
Information:					
3	Applicant Response to Pre-Exam Formalities Notice	Varia-07-0035C-RESP-NTFMP.pdf	52630 b4a9f8145814cda883af096fff418799665fd7a1	no	1
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	37322 ca421e9db75a83fa51fe55b933cf3eb88bcdbf75	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	388406		

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.

<u>New Applications Under 35 U.S.C. 111</u>
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.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
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.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
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/AIA/80 (07-12)
Approved for use through 11/30/2014. 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(c).

I hereby appoint:

☑ Practitioners associated with Customer Number: 25943

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 assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

☑ The address associated with Customer Number: 25943

OR

☐	Firm or Individual Name		
	Address		
	City		
	Country		
	Telephone		Email

Assignee Name and Address: Varia Holdings LLC
956 East 8th Street
Brooklyn, New York 11230

A copy of this form, together with a statement under 37 CFR 3.73(c) (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(c) may be completed by one of the practitioners appointed in this form, 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	4/3/13
Name	Michael Jerbal	Telephone	
Title	President		

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.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office;U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of1995, no persons arerequired to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: VARIA HOLDINGS LLC

Application No./Patent No.: 14/463,611 Filed/Issue Date: August 19, 2014

Titled: SELECTIVE LOCKING OF INPUT CONTROLS FOR A PORTABLE MEDIA PLAYER

VARIA HOLDINGS LLC, a Limit Liability Company

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

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

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

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

1. From: NELSON, JONATHAN To: VARIA MOBIL LLC

The document was recorded in the United States Patent and Trademark Office at

Reel 021303, Frame 0220, or for which a copy thereof is attached.

2. From: VARIA MOBIL LLC To: VARIA HOLDINGS LLC

The document was recorded in the United States Patent and Trademark Office at

Reel 021316, Frame 0437, or for which a copy thereof is attached.

This collection of information is required by37 CFR3.73(b). The information is required toobtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentialityis governed by35 U.S.C. 122and 37 CFR1.11 and1.14. Thiscollection is estimated to take 12 minutes to complete, including gathering, preparing, and submittingthe 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 tothe 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.

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

STATEMENT UNDER 37 CFR 3.73(c)

3. From: VARIA HOLDINGS LLC To: VARIA LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 021316, Frame 0442, or for which a copy thereof is attached.

4. From: VARIA LLC To: VARIA HOLDINGS LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 023928, Frame 0756, or for which a copy thereof is attached.

5. From: _____ To: _____

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

6. From: _____ To: _____

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

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☑ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Ryan C. Fox-Lee/	December 7, 2015
Signature	Date
Ryan C. Fox-Lee	65369
Printed or Typed Name	Title or Registration Number

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
14/860,339	09/21/2015	Evan Feldman	120083-07-0035C

CONFIRMATION NO. 4893

FORMALITIES LETTER

OC000000077832356

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

Date Mailed: 10/06/2015

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 statutory basic filing fee is missing.
- The application search fee must be submitted.
- The application examination fee must be submitted.
- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.
  The surcharge is due for any one of:
  - late submission of the basic filing fee, search fee, or examination fee,
  - late submission of inventor's oath or declaration,
  - filing an application that does not contain at least one claim on filing, or
  - submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- $ **280** basic filing fee.
- $ **140** surcharge.
- $ **600** search fee.
- $ **720** examination fee.
- $(**0**) previous unapplied payment amount.
- $ **1740** TOTAL FEE BALANCE DUE.

Items Required To Avoid Processing Delays:

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
  Evan Feldman
  Jonathan Nelson

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

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, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice". 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 you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/tlulu/

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number
14/860,339

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	280
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	600
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	720
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*			OR	x 80 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	*				x 420 =	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			TOTAL	1600

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 =	
AMENDMENT A	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT A	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT A	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($)	ADDITIONAL FEE($)	OR	RATE($)	ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
AMENDMENT B	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
AMENDMENT B	Application Size Fee (37 CFR 1.16(s))									
AMENDMENT B	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

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
14/860,339	09/21/2015	2837	0.00	120083-07-0035C	20	3

CONFIRMATION NO. 4893

FILING RECEIPT

OC000000077832355

25943
Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

Date Mailed: 10/06/2015

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)

Evan Feldman, Woodinville, WA;
Jonathan Nelson, Seattle, WA;

Applicant(s)

VARIA HOLDINGS LLC, BROOKLYN, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 12/144,532 06/23/2008 PAT 9141960
which claims benefit of 60/945,677 06/22/2007

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: 10/02/2015

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/860,339**

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

Non-Publication Request: No

Early Publication Request: No

Title

VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Preliminary Class

084

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

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).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

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	120083-07-0035C
	Application Number	
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

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.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Evan		Feldman	

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

City	Woodinville	State/Province	WA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	16920 NE 166th Street		
Address 2			
City	Woodinville	State/Province	WA
Postal Code	98072	Country i	US

Inventor 2 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jonathan		Nelson	

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

City	Seattle	State/Province	WA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	1119 23rd Avenue South		
Address 2			
City	Seattle	State/Province	WA
Postal Code	98144	Country i	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).

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	120083-07-0035C
	Application Number	
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

☐ **An Address is being provided for the correspondence Information of this application.**			
Customer Number	25943		
Email Address	patent@schwabe.com	Add Email	Remove Email

Application Information:

Title of the Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE		
Attorney Docket Number	120083-07-0035C	**Small Entity Status Claimed**	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	4	**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).
Either enter 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	25943		

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.

Prior Application Status	Patented				Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
	Continuation of	12144532	2008-06-23	9141960	2015-09-22
Prior Application Status	Expired				Remove

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	120083-07-0035C
	Application Number	
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
12144532	non provisional of	60945677	2007-06-22

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

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. 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(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) [i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country [i]	Filing Date (YYYY-MM-DD)	Access Code [i] (if applicable)

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

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

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	120083-07-0035C
	Application Number	
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

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

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

- (●) Assignee
- ( ) Legal Representative under 35 U.S.C. 117
- ( ) Joint Inventor
- ( ) Person to whom the inventor is obligated to assign.
- ( ) Person who shows sufficient proprietary interest

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor :

If the Applicant is an Organization check here. [X]

Organization Name	VARIA HOLDINGS LLC		
Mailing Address Information:			
Address 1	956 EAST 8TH STREET		
Address 2			
City	BROOKLYN	**State/Province**	NY
Country i	US	Postal Code	11230
Phone Number		Fax Number	

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	120083-07-0035C
	Application Number	
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

Email Address	

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

Non-Applicant Assignee Information:

Providing assignment information in this section does not subsitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Assignee 1

Complete this section only if non-applicant assignee information is desired to be included on the patent application publication in accordance with 37 CFR 1.215(b). Do not include in this section an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest), as the patent application publication will include the name of the applicant(s).

Remove

If the Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

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. Add

Signature:

Remove

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications

Signature	/Ryan C. Fox-Lee/			Date (YYYY-MM-DD)	2015-09-21
First Name	Ryan C.	Last Name	Fox-Lee	Registration Number	65369

Additional Signature may be generated within this form by selecting the Add button. Add

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	120083-07-0035C
	Application Number	
Title of Invention	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE	

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.**

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.

APPLICATION FOR UNITED STATES LETTERS PATENT

FOR

VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

Inventors:
Evan Feldman
Jonathan Nelson

Attorney Docket No. 120083-07-0035C

Prepared by: Schwabe, Williamson & Wyatt, PC
1211 SW 5th Avenue, Suite 1600
Portland, OR 97204

VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

RELATED APPLICATIONS

The present application is a continuation of U.S. Patent Application No. 12/144,532, filed June 23, 2008, which claims the benefit of priority from and is related to commonly-owned U.S. Provisional Application No. 60/945,677 filed June 22, 2007. The disclosure of the foregoing application is hereby incorporated by reference in its entirety, including any appendices or attachments thereof, for all purposes.

FIELD OF PRESENT INVENTION

The present invention relates to the field of portable media player devices. More specifically, the present invention relates to venue or event recommendations for a user of a portable media player device.

BACKGROUND OF THE PRESENT INVENTION

Portable media player devices are increasing in popularity. A portable media player device is a transportable device that plays one or more media file types, including text, audio, video, graphics, interactive, and other media file types. For purposes of this disclosure, a portable media player device does not include a general purpose laptop or tablet computer, nor any computing device attached or installed on a mobile vehicle (such as a dash mounted radio or DVD player in an automobile) but rather includes only a handheld device (also referred to as palm-sized device) for the purpose of displaying and/or playing media files. The hardware and/or software components embodied in the device for the displaying and playing of media files are collectively referred to as a media player. Examples of portable media player devices include the iPod available

from Apple Computer of Cupertino, CA; the Zune available from Microsoft Corporation of Redmond, WA; the ibiza™ Rhapsody® from Varia Mobil of Seattle, WA, and other like devices.

Media may be stored on a portable media player device (e.g., by downloading media such as music to the portable media player device), accessed via a portable media player device from a network site (e.g., by streaming from a network site), or acquired by a user via a portable media player device in one or more ways (e.g., by the purchase and installation of a flash memory card containing media). With the advance of storage technology, the amount of media that can be stored in a portable media player device has grown exponentially. Couple that with the advance of telecommunications and networking technology, the number of sites offering media and other media-rich environments to provide new and/or replacement media content for portable media player devices have also grown exponentially. As a result, portable media player devices are increasingly "connected", and users almost never travel (leave home) without their personal portable media player devices.

BRIEF DESCRIPTION OF DRAWINGS

The present invention is illustrated by way of example and not by way of limitation in the figures of the accompanying drawings, in which like references indicate similar elements and in which:

Figure 1 illustrates a representative environment in which an embodiment of the invention is implemented;

Figure 2 is a flow chart illustrating an embodiment of the invention;

Figure 3 illustrates an internal component view of a portable media player device in accordance with an embodiment of the invention; and

Figure 4 illustrates an exemplary server apparatus, in accordance with an embodiment of the invention.

DETAILED DESCRIPTION

In the following detailed description of exemplary embodiments of the invention, reference is made to the accompanying drawings, which form a part hereof, and which show, by way of illustration, specific exemplary embodiments by which the invention may be practiced. Each embodiment is described in sufficient detail to enable those skilled in the art to practice the invention, and it is to be understood that other embodiments may be utilized, and other changes may be made, without departing from the spirit or scope of the present invention. The following detailed description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is defined only by the appended claims.

Various operations will be described as multiple discrete operations. In turn, in a manner that is most helpful in understanding the present invention, however, the order of description should not be construed as to imply that these operations are necessarily order dependent. In particular, these operations need not be performed in the order of presentation.

Furthermore, reference throughout this specification to "one embodiment" or "an embodiment" means that a particular feature, structure, or characteristic described in connection with the embodiment is included in at least one embodiment of the present invention. Thus, the appearances of the phrases "in one embodiment" or "in an embodiment" in various places throughout this specification are not necessarily all referring to the same embodiment. Furthermore, the particular features, structures, or characteristics may be combined in any suitable manner in one or more embodiments.

A method and system for providing venue and/or event recommendations for a user of a portable media player device, thereby further increasing the user experience of the user of the portable media player device, is described. In various embodiments, the venue and/or event recommendations are for venues and/or events of potential interest to the user at locations proximally located to an inferred current location of the user, based at least in part on an inferred entertainment interest of the user. In various embodiments, the current location of the user is inferred based at least in part on current and/or recent geographic locations of the portable media player device, and the entertainment interest is inferred based at least in part on the media files or content stored in and/or accessed using the portable media player device. In various embodiments, the recommendations are provided to the users' portable media player devices.

Thus, in various embodiments, a user of a portable media player device having media of a particular genre stored on or accessed using the portable media player device may receive a recommendation for a venue or event that is related to that particular genre and is proximally located to the inferred current location of the user of the portable media player device. For example, a server may generate a recommendation for a nearby concert by an alternative rock band for a user of a portable media player device that has inferred interest in alterative rock, inferred based at least in part on media of an alternative rock or like genre stored on and/or accessed via his portable media player device. A recommendation may also be generated based in part upon interest inferred based at least in part image media stored in and/or accessed via the portable media player device. For example, images of a modern or

related art painting stored in and/or accessed via the portable media player device may infer a particular interest in art and influence the server to generate a recommendation for a Pablo Picasso modern art exhibit presently at a modern art museum or gallery proximally located to the inferred current location of the user of the portable media player device.

Recommended venues or events may include a wide variety of proximally located venues or events of interest to a user. In various embodiments, a proximally located venue may include a place of worship or a place of historic or cultural significance proximally located to the portable media player device. A proximally held event may include a cultural, community or political event that might occur at one of the aforementioned venues or at another location. In these embodiments, the recommendation for the proximally located event or venue may be based upon a subject preference of the user determined by podcast media stored in and/or accessed via the portable media player device. For example, a user traveling in France with his portable media player device may have Baroque art podcasts stored on or accessed using his or her portable media player device. In an embodiment, when the user as e.g. inferred by the locations of the portable media player device are within a proximal location of a Baroque era church, the server may generate a recommendation for visiting the church. In various embodiments, the server may also provide the user with directions and details related to visiting the church. In other embodiments, the server may generate recommendations for proximally located events such as a political rally or speech that are consistent with political podcasts stored on or accessed using the portable media player device.

Note that in other embodiments, the server may generate not only recommendations for events or venues but also information and/or media recommendations proximally associated with a current location of a user of the portable media player device. For example, if media stored on or accessed using the portable media player device suggests that the user is a fan of Jazz music, the server may generate and provide information about Jazz artists who began their careers in the current city the user is in. Alternatively or additionally the server may also generate and provide a recommendation for one or more podcasts, books (audio or print), and/or websites about the jazz artists for the user of the portable media player device. As another example, when the user travels to a new state with the portable media player device, the server may generate and directly push information about the state such as the state history, the state government, the state flower and/or state song to the portable media player device.

Referring now to Figure 1 which illustrates a representative environment 100 in which an embodiment of the invention may be implemented. In the embodiment shown, a portable media player device 10 having stored therein a number of media files ("media") is associated with a user. Additionally, computer 50 may be associated with portable media player device 10 and may or may not be located in proximity of portable media player device 10. In the illustrated embodiment, a server 20 may infer a current location of the user by determining a current location of the portable media player device 10 as well as receive and transmit information to and from portable media player device 10 (or other communication medium) via a wireless access point 30 and network 40. Other communication medium may include SMS or MMS messaging, email,

facsimile, paging message and/or phone calls. Network 40 may include for example a Wide Area Network (WAN), Local Area Network (LAN) (e.g. Ethernet), an intranet, internet, a public switched telephone network (PSTN) as well as a wired or wireless communications network (e.g. WiFi), or combination thereof. In the representative environment 100, the server 20 may receive a current location or successively receive a series of current locations of a portable media player device 10 as well as media or information about media stored on or accessed using portable media player device 10, and in response, server 20 may transmit one or more recommendations for a venue or event, or information of interest to the user, e.g. to portable media player device 10, to be described more fully below.

Figure 2 is a flow chart 200 that illustrates a method of generating by a server a recommendation for a venue or event of interest proximally located to (or information about) a current location of a user of the portable media player device in accordance with various embodiments of the invention. In the embodiments shown, a recommendation (or information) is generated and provided based at least in part on an inferred current location of the user, and inferred entertainment interest of the user. In various embodiments, the current location of the user is inferred based at least in part on the user's portable media player device's actual geographic location (otherwise referred to as the current location of a portable media player device) and the user's entertainment interest is inferred based at least in part on media and/or information about the media stored in and/or accessed using the portable media player device. The recommendation for the venue or event (or information) of interest may then be communicated to user, e.g. to the portable media player device, or alternatively to

another communication medium, such as SMS/MMS message, email, facsimile, paging and/or voice call.

The method begins at a block 204 where, in an embodiment, a server such as server 20 of Figure 1 infers a current location of the user. The inference may include receiving or determining a current location (or successively receiving a series of locations) of a portable media player device associated with the user. Note that in various embodiments, the server can determine the current location of the portable media player device by using various methods. The server may estimate the current location of the portable media player device based on a location of a wireless access point through which the portable media player device establishes a network connection to the server. Or, the server may estimate the current location of the portable media player device based upon the results of triangulating signals from various signal towers or based upon the server's communication with other portable media player devices having known current locations. The server might also receive the current location of the portable media player device from a global positioning system (GPS) module located within the portable media player device.

In other embodiments, the current location may be manually entered by the user into the portable media player device or other communication devices (such as a mobile phone) for transmission to the server. For example, the user may enter a code of an airport where she recently landed or a name of a city in which she is currently visiting (for business or pleasure). The server may also allow the user to enter one or more preferred geographic locations for which the user would like to receive a recommendation or information. For example, the user may know that she will be

traveling with the portable media player device to Denver the following week and may therefore desire to receive recommendations for events or venues in (or information about) the Denver area.

Returning to the method illustrated in flow chart 200, after the server infers a current location of the user in block 204, the server may infer an entertainment interest of the user at the next blocks 206/207. The inference may include retrieving media or information about media stored on and/or accessed using the user's portable media player device at a next block 206. This media or information about media stored on or accessed using the portable media player device may be retrieved by the server by various methods such as for example via network 40 and wireless access point 30 as described in conjunction with Figure 1. Information about media stored on or accessed using the portable media player device may also be retrieved from storage within the server itself. For example, in various embodiments, the server may have such information stored at the server (or in other storage accessible to the server) as a result of previous syncing of media between the portable media player device and the server or as a result of previous browsing of media on the server by the user of the portable media player device. The information may be gathered and retrieved in real time, or continuously over a usage period.

At a next block 207, the server may determine one or more media preferences or interest for the user based in part upon the media and/or information about the media stored on or accessed using the portable media player device. In various embodiments, the server can analyze the media and the information about the media stored on or accessed using the portable media player device to identify user preferences for

particular genres of media. Thus, in various embodiments, the server may analyze e.g. the meta data associated with a wide variety of media stored on or accessed using the portable media player device such as music, podcasts, books or audiobooks, video, photos or other images for various trends that can be translated into user preferences for a particular genre of music, film, video or art. The meta data may include data about the media title, media type, artist, subject matter, and so forth. For example, the server may determine that the user has a preference for a jazz music genre if the portable media player device stores or has been used to access a substantial amount of music by famous jazz artists such as Ella Fitzgerald or Louis Armstrong. What constitutes a substantial amount may be evolved dynamically overtime based on feedback on the relevance, success or usefulness of the recommendation and/or information provided to the user or a group of users. The server may also determine that the user has a preference for film genres related to science fiction if a significant number of science fiction movies such as Close Encounters of the Third Kind or Star Wars are stored as video media in or accessed using the portable media player device.

After one or more media preferences have been determined at block 207, the process then moves to a block 208. At block 208, the server may make a recommendation for a venue or event (or provide information) based at least in part on the inferred current location of the user and the determined media preference of the user of the portable media player device. In various embodiments, the server may generate the recommended venues/events (or information) using collaborative filtering, or other recommendation techniques that can take into account the media stored in or accessed using the user's portable media player device, other information about the

user's media preferences, and venues or events proximally located (or that will occur in a proximate location) to the current location of the user of the portable media player device. In generating a recommendation for a venue or event (or information), the server may access databases or information from various sources or service providers, e.g., a ticket sales and distribution company or an local online entertainment city guide. For example, the server may compare a user's preference for a particular genre of music to a database that includes citywide events or venues that are hosting or typically host bands which play music of that particular genre. The server may collect the venue and/or event information in real time or the server may gather the information periodically.

Thus, the server may transmit a recommendation (or information) to a user, e.g. his portable music player device having jazz music stored on or accessed using the portable music player device for a club that plays live jazz or blues within a convenient walking or driving distance to the current location of the user and the portable media player device. The server may also transmit a recommendation (or information) to a user, e.g. his portable music player device having gospel music stored on or accessed using the portable music player device for a church known for gospel music within a convenient walking or driving distance to the current location of the user and the portable media player device. The server may also transmit another recommendation for a theatrical or cinematography event such as a nearby science fiction film festival to the user determined to have user preferences for a science fiction film genre.

After the server generates the recommendation (or information), the process moves to block 210 where the server may communicate the recommendation to the

user by transmitting the recommendation (or information) to e.g. the portable media player device. In various embodiments, as alluded earlier, this may include transmitting the recommendation (or information) by sending either a short message service (SMS) message, an email message, a pager message or a facsimile message to the user or by placing a call to the user. In various embodiments, directions to the event, venue or other location of interest from the current location of the portable media player device can also be sent to the portable media player device (not shown). The process may end at a block 212.

Note that method 200 may be repeated. For example, if the user so desires, automatic recommendations (or information) may be pushed to the user on a periodic basis, or when the portable media player device detects that the user has changed a current geographic location. For example, a user arriving in Miami may find that the user's portable media player device has automatically received various recommended events or venues occurring in (or information about) Miami when the user arrives at the Miami airport.

Note also that in various embodiments, the server may perform the operations of method 200 in a different order than as presented in Figure 2. For example, the server may infer user preferences at the time media is added to the portable media player device. The media and/or information about the media as well as inferred media preferences may remain relatively static until a later time when the server infers a proximal location of the portable media player device. Thus, in some embodiments, the operations of blocks 206 and 207 or variations thereof, may be performed prior to the operation of block 204.

In various embodiments, a user of the portable media player device may be a

subscriber of the service provided by the server. In various embodiments, the cost of the service may be borne by the recommended venue and/or organizers of the events of interest, or combination thereof.

Figure 3 illustrates an internal component view of an example handheld portable media player device 300 in an embodiment of the invention. In the embodiment shown, a handheld portable media player device 300 includes a processor 308 coupled to user interfaces 302, storage medium 304 and transmitter/receiver (TX/RX) 306 ("transceiver"). The storage medium 304 includes instructions implementing a media player 305. In alternate embodiments, all or portions of the media player may be implemented in hardware, e.g. hardware components dedicated to encoding/decoding, compression/decompression, encryption/decryption, digital rights management, signal filtering or other processing. The transceiver 306 may be a radiofrequency (RF) transceiver that in various embodiments may support WiFi, WiMax or other wireless local area network access. In some embodiments, the RF transceiver may support EDGE (Enhanced Data GSM Environment) or G3 communication protocols

In an embodiment, portable media player device 300 is configured to selectively play media and optionally, to provide a server with a current location of the portable media player device 300 via transceiver 306. The portable media player device 300 may be configured to receive in response, a recommendation for a venue or event of interest proximally located to (or information about) the current location of a portable media player device 300. The recommendation (or information) may be generated by the server based at least in part on an inferred current location of the user, and inferred

entertainment interest of user, based e.g. on media stored in storage medium 304, and/or accessed using the portable media player device 300. In various embodiments, the user interfaces 302 may include a display, touch pad, touch screen and other input/output (I/O) devices or the like (not shown). In the embodiment, a display or touch screen of user interfaces 302 may be adapted to display the received recommendation.

Finally, Figure 4 illustrates an internal view of an example computing device 400, suitable for use as server 20, in accordance with embodiments of the present invention. In an embodiment, computing device 400 includes a storage medium 410 for storing a plurality of programming instructions and a processor 402 for executing the plurality of programming instructions to enable the computing device 400 to generate a recommendation for a venue or an event of interest to be held at a venue proximally located to (or information about) an inferred current location of a user of a portable media player device. The venue or event of interest (or information) may be communicated to the user via communication interfaces 411. In various embodiments, communication interfaces 411 may include network interface cards, modems and so forth. In various embodiments, communication interfaces 411 may be configured to support a wire lined base local area networking protocol, e.g. Ethernet, or wireless communication protocol such as WiFi, GSM, EDGE, 3G.

Element 408 may include various elements such as but not limited to general purpose input/output (1/0) devices, mass storage or other suitable devices to facilitate the generation and transmission of the recommendation or information to the portable media player device. Note that the processor 402, storage medium 410, communication interfaces 411 and other 408 may be coupled to each other via system

bus 412, which represents one or more buses. In the case of multiple buses, they are bridged by one or more bus bridges (not shown). In alternate embodiments, other elements may be added, as well as having one or more of the illustrated elements omitted, without departing from the spirit and scope of the present invention.

Thus, it can be seen from the above description, methods and apparatuses for generating by a server, a recommendation for a venue or event of interest proximally located to (or information about) an inferred current location of a user of a portable media player device are described. As a result, a user of a portable media player device has an even more enriched experience from using portable media player device. As mentioned earlier, while the present invention has been described in terms of the above-illustrated embodiments, the present invention is not limited to the embodiments described. The present invention can be practiced with modification and alteration within the spirit and scope of the appended claims. Thus, the description is to be regarded as illustrative instead of restrictive on the present invention.

CLAIMS

What is claimed is:

1. A method comprising:

generating by a server, a recommendation for a venue of interest proximally located to or information about an inferred current location of a user of a portable media player device, wherein the recommendation is based at least in part on the inferred current location and inferred media preference of a user of the portable media player device, wherein the inferred media preference is determined based at least in part on media stored on or accessed using the portable media player device; and

communicating by the server, the recommendation to the user.

2. The method of claim 1; wherein the venue of interest is a club or a church proximally located to the inferred current location of the user of the portable media player device, and the recommendation is based at least in part on a genre of music played in the club or the church and a music genre preference of the user determined based at least in part on music media stored in or accessed using the portable media player device.

3. The method of claim 1; wherein the venue of interest is a either a theatre or a cinema proximally located to the inferred current location of the user of the portable media player device, and the recommendation is generated by the server, based at least in part on a genre of a play or movie played in the theatre or cinema respectively,

and a video genre preference of the user determined based at least in part on video media stored in or accessed using the portable media player device.

4. The method of claim 1; wherein the venue of interest is a either a museum or a gallery proximally located to the inferred current location of the user of the portable media player device, and the recommendation is generated by the server, based at least in part on a genre of painting or photo exhibited at the museum or gallery, and an image genre preference of the user determined based at least in part on image media stored in or accessed using the portable media player device.

5. The method of claim 1; wherein the venue of interest is either a place of worship or a place of historic or cultural significance proximally located to the inferred current location of the user of the portable media player device, and the recommendation is generated by the server, based at least in part on a denomination of religion or a historic or cultural attribute of the place of worship or place of historic or cultural significance respectively, and a subject preference of the user determined based at least in part on podcast media stored in or accessed using the portable media player device.

6. The method of claim 1, further comprising inferring by the server the current location of the user of the portable media player device, including receiving by the server a current location of the portable media player device from the portable media player device.

7. The method of claim 1, further comprising inferring by the server the current location of the user of the portable media player device, including receiving by the server a current location of the portable media player device from an access point

through which the portable media player device establishes a network connection to the server.

8. The method of claim 1, wherein said communicating comprises transmitting the recommendation to the portable media player device.

9. The method of claim 1, wherein said communicating comprises transmitting the recommendation by either sending a short message service (SMS) message, an email message, a pager message or a facsimile message to the user, or by placing a call to the user.

10. The method of claim 1 further comprising determining by the server the media preference of the user based at least in part on media stored on or accessed using the portable media player device.

11. A method comprising:

providing by a portable media player device, having media stored in the portable media player device, a current location of the portable media player device to a server to facilitate the server in inferring a current location of a user of the portable media player device; and

receiving by the portable media player device, from the server, a recommendation for an event of interest to be held at or information about a venue proximally located to an inferred current location of a user of the portable media player device, wherein the recommendation is based at least in part on the inferred current location and media preference of a user of the portable media player device, wherein the media preference is determined based at least in part on media stored on or accessed using the portable media player device.

12. The method of claim 11; wherein the event of interest is a music event, and the recommendation is based at least in part on a genre of music played at the event and a music genre preference of the user determined based at least in part on music media stored in or accessed using the portable media player device.

13. The method of claim 11; wherein the event of interest is a theatrical or a cinematography event, and the recommendation is generated by the server, based at least in part on a genre of the theatrical or cinematography event, and a video genre preference of the user determined based at least in part on video media stored in or accessed using the portable media player device.

14. The method of claim 11; wherein the event of interest is an exhibit, and the recommendation is generated by the server, based at least in part on a genre of the exhibit, and an image genre preference of the user determined based at least in part on image media stored in or accessed using the portable media player device.

15. The method of claim 11; wherein the event of interest is a either a worship, cultural, community or political event, and the recommendation is generated by the server, based at least in part on an attribute of the worship, cultural, community or political event, and a subject preference of the user determined based at least in part on podcast media stored in or accessed using the portable media player device.

16. A portable media player device comprising:

storage medium to store media; and

a player coupled to the storage medium and configured to selectively play the media, to provide a server with a current location of the portable media player device to facilitate the server in inferring a current location of a user of the portable media player

device, and to receive in response, a recommendation for a venue of interest proximally located to or information about the current location of the user of the portable media player device, wherein the recommendation is generated by the server based at least in part on the inferred current location of the user, and inferred media preference of the user, wherein the media preference is determined based at least in part on the media stored on or accessed using the portable media player device.

17. The portable media player device of claim 16; wherein the venue of interest is a club proximally located to the inferred current location of the user of the portable media player device, and the recommendation is based at least in part on a genre of music played in the club and a music genre preference of the user determined based at least in part on music media stored in or accessed using the portable media player device.

18. The portable media player device of claim 16; wherein the venue of interest is a either a theatre or a cinema proximally located to the current location of the portable media player device, and the recommendation is generated by the server, based at least in part on a genre of play or movie played in the theatre or cinema respectively, and a video genre preference of the user determined based at least in part on video media stored in or accessed using the portable media player device.

19. The portable media player device of claim 16, wherein the venue of interest is a either a museum or a gallery proximally located to the current location of the portable media player device, and the recommendation is generated by the server, based at least in part on a genre of painting or photo exhibited at the museum or gallery, and an image genre preference of the user determined based at least in part on image media stored in or accessed using the portable media player device.

20. The portable media player device of claim 16; wherein the venue of interest is a either a place of worship or a place of historic or cultural significance proximally located to the current location of the portable media player device, and the recommendation is generated by the server, based at least in part on a denomination of religion or a historic or cultural attribute of the place of worship or place of historic or cultural significance respectively, and a subject preference of the user determined based at least in part on podcast media stored in or accessed using the portable media player device.

VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE

ABSTRACT OF THE DISCLOSURE

A method and system for generating by a server, a recommendation for a venue or an event of interest proximally located to an inferred current location of a user of a portable media player device. In an embodiment, a server may determine one or more media preferences for a user based at least in part on media stored on or accessed using the portable media player device of the user. The server may generate information related to the current location or a recommendation for a venue or an event of interest to the user based at least in part on the one or more media preferences and the inferred current location of the user. Once generated, the server then may communicate the recommendation (or the information) to the user, e.g. the portable media player device. Other embodiments may also be described and claimed.

100

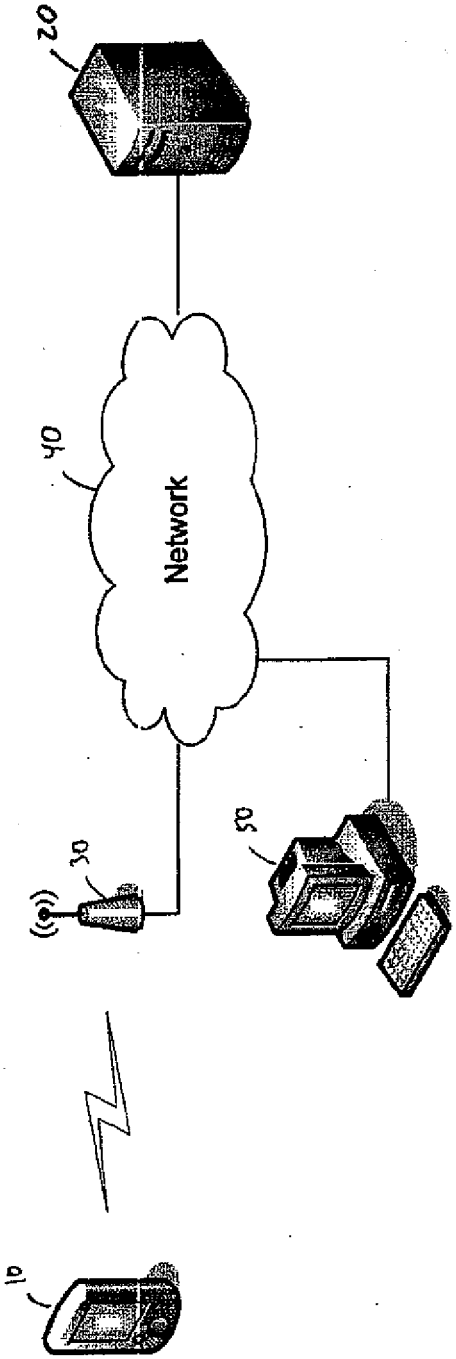

Figure 1

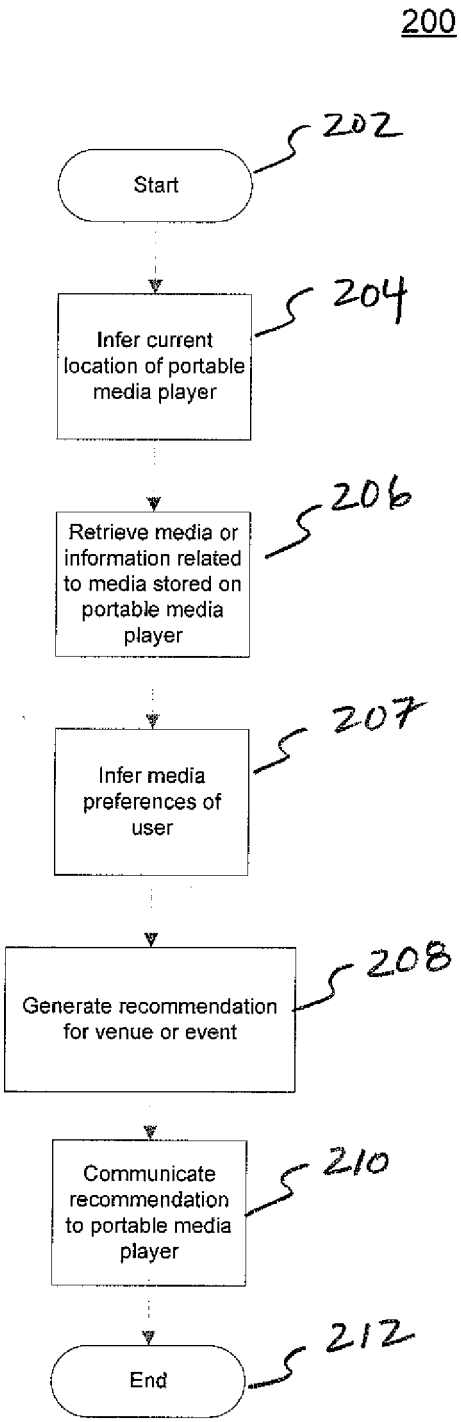
200
202
Start
204
Infer current location of portable media player
206
Retrieve media or information related to media stored on portable media player
207
Infer media preferences of user
208
Generate recommendation for venue or event
210
Communicate recommendation to portable media player
212
End

FIGURE 2

300

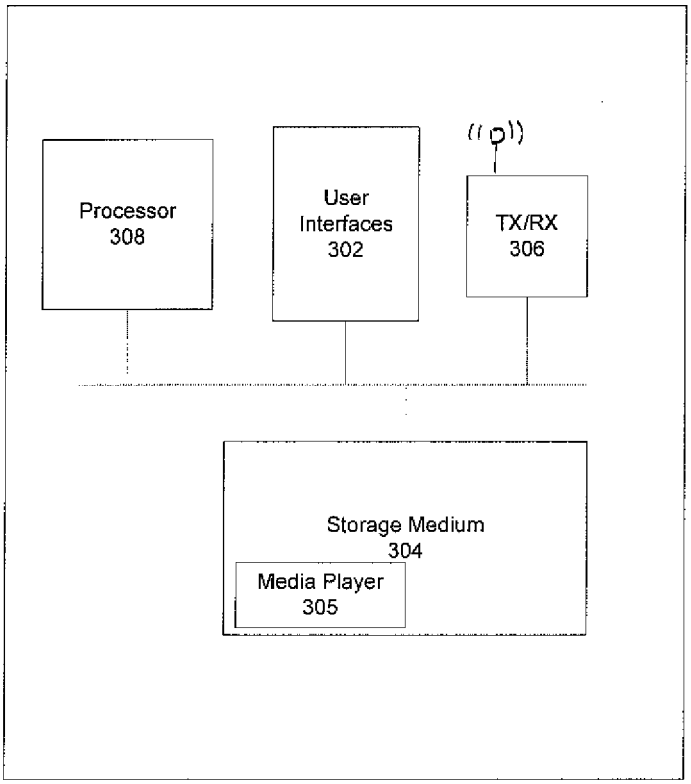
Processor
308
User
Interfaces
302
TX/RX
306
Storage Medium
304
Media Player
305

FIGURE 3

400

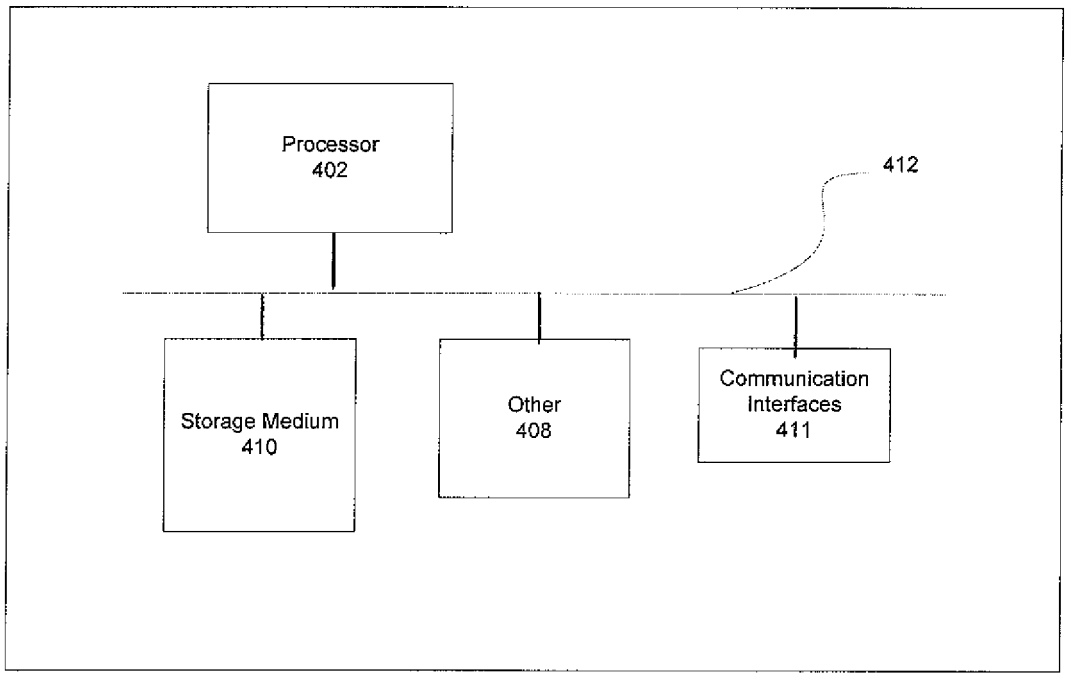
Processor
402
412
Storage Medium
410
Other
408
Communication
Interfaces
411

FIGURE 4

Electronic Acknowledgement Receipt

EFS ID:	23557337
Application Number:	14860339
International Application Number:	
Confirmation Number:	4893
Title of Invention:	VENUE AND EVENT RECOMMENDATIONS FOR A USER OF A PORTABLE MEDIA PLAYER DEVICE
First Named Inventor/Applicant Name:	Evan Feldman
Customer Number:	25943
Filer:	Ryan C. Fox-Lee/Enoy Lawless
Filer Authorized By:	Ryan C. Fox-Lee
Attorney Docket Number:	120083-07-0035C
Receipt Date:	21-SEP-2015
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Time Stamp:	18:02:04
Application Type:	Utility under 35 USC 111(a)

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Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	Varia-07-0035C_ADS.pdf	1504055 0afd2d1e7d3f296ec6bcb555294dfb0de5f5fd2c	no	7

Warnings:

Information:

2		Varia-07-0035C_SPEC.pdf	148559 8c07b75d440eb1f51620d236145b2016eeb006c7	yes	24

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Specification	1	17
	Claims	18	23
	Abstract	24	24

Warnings:

Information:

3	Drawings-only black and white line drawings	Varia-07-0035C_FIGS.pdf	513524 ec173d2275156256bb1fa9a01bdb86ccb1296444	no	4

Warnings:

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<u>New Applications Under 35 U.S.C. 111</u>
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.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
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.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
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.