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			
4			
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**

AO 120 (Rev. 08/10)

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

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
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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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
6:21-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:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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

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.):

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6:21-cv-1245	12/1/2021	Western District of Texas

PLAINTIFF	DEFENDANT
WILDSEED MOBILE LLC	GOOGLE LLC and YOUTUBE, LLC

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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 JOMAA

Capacity: MANAGER

On the 19th day of AUGUST 2021, before me personally appeared MICHAEL JOMAA 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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY.DOCKET NO./TITLE	REQUEST ID
10/143,342	05/10/2002	G. Eric Engstrom	120083-129591 (P034)	7425

Acknowledgement of Loss of Entitlement to Entity Status Discount

The entity status change request below filed through Private PAIR on 11/13/2015 has been accepted.

CERTIFICATIONS:

Change of Entity Status:

X Applicant changing to regular undiscounted fee status.

NOTE: Checking this box will be taken to be notification of loss of entitlement to small or micro entity status, as applicable.

This portion must be completed by the signatory or signatories making the entity status change in accordance with 37 CFR 1.4(d)(4).

Signature:	/Al AuYeung/
Name:	Al AuYeung
Registration Number:	35432

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,376,414 B2
APPLICATION NO. : 10/143342
DATED : May 20, 2008
INVENTOR(S) : G. Eric Engstrom

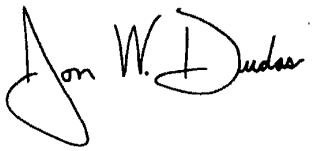
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 13, lines 60-61, "sewer information" should read --server information--.

Column 14, line 7, "sewer based" should read --server based--.

Signed and Sealed this

Seventh Day of October, 2008



JON W. DUDAS
Director of the United States Patent and Trademark Office

Attorney Docket No. 109909-129591
P034

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

G. Eric Engstrom

Application No.: 10/143,342

Filed: May 10, 2002

Patent No.: 7,376,414

Issued: May 20, 2008

For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Examiner: Lisa Hashem

Art Unit: 2614

Confirmation No.: 2073

Mail Stop Certificate of Corrections Branch
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Dear Sir:

Upon review of the above-referenced Letters Patent, Applicant noted errors that are the mistake of the U.S. Patent Office. Those errors are as follows:

In the specification:

Column 13, lines 60-61, "sewer information" should read --server information--.

Column 14, line 7, "sewer based" should read --server based--.

Enclosed is a Certificate of Correction and a petition under 37 CFR 1.78(a)(3). It is respectfully requested that a Certificate of Correction be issued.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: August 29, 2008

/Richard B. Leggett/
Richard B. Leggett
Reg. No. 59,485
Attorney for Applicants

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,376,414 B2

APPLICATION NO.: 10/143,342

ISSUE DATE : May 20, 2008

INVENTOR(S) : G. Eric Engstrom

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 13, lines 60-61, "sewer information" should read --server information--.

Column 14, line 7, "sewer based" should read --server based--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Avenue, Suite 1900
Portland, Oregon 97204

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Electronic Acknowledgement Receipt

EFS ID:	3862778
Application Number:	10143342
International Application Number:	
Confirmation Number:	2073
Title of Invention:	METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT
First Named Inventor/Applicant Name:	G. Eric Engstrom
Customer Number:	60172
Filer:	Richard Brian Leggett/Tracy Gutscher
Filer Authorized By:	Richard Brian Leggett
Attorney Docket Number:	109909-129591
Receipt Date:	29-AUG-2008
Filing Date:	10-MAY-2002
Time Stamp:	14:20:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	Req_Cert_Correction_082908.pdf	49192 29f4e4767808447158f98ed8b3b831639e54faf7	no	3

Warnings:

Information:

Total Files Size (in bytes):	49192

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591

CONFIRMATION NO. 2073

25943
SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

POWER OF ATTORNEY NOTICE

OC000000031527264

Date Mailed: 08/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2008.

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

/sibrahim/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591

CONFIRMATION NO. 2073

60172
SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3010
SEATTLE, WA 98101

POA ACCEPTANCE LETTER

OC000000031527287

Date Mailed: 08/15/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2008.

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.

/sibrahim/

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

PTO/SB/80 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

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

I hereby appoint:

[X] Practitioners associated with the Customer Number: 60172

OR

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

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

[X] The address associated with Customer Number: 60172

OR

[ ] Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:
Varia LLC
1000 Dexter Ave N., Suite 210
Seattle, Washington 98109

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

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

Signature		Date	7/24/08
Name	John McQueen	Telephone	4254425698
Title	President - Varia LLC		

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/SB/96 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Varia LLC

Application No./Patent No.: 7,376,414 Filed/Issue Date: May 20, 2008

Entitled: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Varia LLC, a limited liability company
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☑ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is_____ %)

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

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

OR

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

1. From: Engstrom To: Wildseed Ltd.
The document was recorded in the United States Patent and Trademark Office at
Reel 012889, Frame 0415, or for which a copy thereof is attached.

2. From: Wildseed LLC To: Varila Mobil LLC
The document was recorded in the United States Patent and Trademark Office at
Reel 020836, Frame 0452, or for which a copy thereof is attached.

3. From: Wildseed Ltd. To: Wildseed LLC
The document was recorded in the United States Patent and Trademark Office at
Reel 021316, Frame 0357, or for which a copy thereof is attached.

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

☑ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[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.

/Al AuYeung/	August 5, 2008
Signature	Date
Al AuYeung	503-222-9981
Printed or Typed Name	Telephone Number
Attorney at Law - Reg. No. 35,432	
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 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. 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.

STATEMENT UNDER 37 CFR 3.73(b)

Supplemental Sheet 1

Applicant/Patent Owner: Varia LLC

Application No. / Patent No.: 7,319,863 Filed/Issue Date: January 15, 2008

Entitled: METHOD AND SYSTEM FOR PROVIDING AN OPINION AND AGGREGATING OPINIONS WITH A MOBILE TELECOMMUNICATION DEVICE

4. From: Wildseed LLC To: Varia Mobil LLC

   The document was recorded in the United States Patent and Trademark Office at

   Reel 021316, Frame 0405, or for which a copy thereof is attached.

5. 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.

6. 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.

Electronic Acknowledgement Receipt

EFS ID:	3734170
Application Number:	10143342
International Application Number:	
Confirmation Number:	2073
Title of Invention:	METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT
First Named Inventor/Applicant Name:	G. Eric Engstrom
Customer Number:	25943
Filer:	Aloysius T.C. Auyeung/Yvette Chriscaden
Filer Authorized By:	Aloysius T.C. Auyeung
Attorney Docket Number:	109909-129591
Receipt Date:	05-AUG-2008
Filing Date:	10-MAY-2002
Time Stamp:	18:51:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	Varia_P034_POA373b1.pdf	127312 9a52ea4f8b2831ce693f33165f0f1be1fc34618e	no	3

Warnings:	
Information:	

Total Files Size (in bytes):	127312

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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/20/2008	7376414	109909-129591	2073

25943 7590 04/30/2008

SCHWABE, WILLIAMSON & WYATT, P.C.
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 587 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 Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

G. Eric Engstrom, Kirkland, WA;

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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

25943 7590 01/23/2008

SCHWABE, WILLIAMSON & WYATT, P.C.
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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Yvette L. Chriscaden	(Depositor's name)
/Yvette L. Chriscaden/	(Signature)
April 22, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591	2073

TITLE OF INVENTION: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$720	$300	$0	$1020	04/23/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
HASHEM, LISA	2614	455-414300

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
Schwabe, Williamson & Wyatt, P.C.
1 _____
2 _____
3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: Varia Mobil LLC
(B) RESIDENCE: (CITY and STATE OR COUNTRY): Seattle, Washington

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

4a. The following fee(s) are submitted:
☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies N/A

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 500393 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Richard B. Leggett/ Date April 22, 2008

Typed or printed name Richard B. Leggett Registration No. 59,485

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 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.

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Ex.1002
GOOGLE LLC / Page 25 of 348

Electronic Patent Application Fee Transmittal

Application Number:	10143342
Filing Date:	10-May-2002
Title of Invention:	METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT
First Named Inventor/Applicant Name:	G. Eric Engstrom
Filer:	Richard Brian Leggett/Yvette Chriscaden
Attorney Docket Number:	109909-129591
Filed as Small Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	720	720
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1020**

Electronic Acknowledgement Receipt	
EFS ID:	3187785
Application Number:	10143342
International Application Number:	
Confirmation Number:	2073
Title of Invention:	METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT
First Named Inventor/Applicant Name:	G. Eric Engstrom
Customer Number:	25943
Filer:	Richard Brian Leggett/Yvette Chriscaden
Filer Authorized By:	Richard Brian Leggett
Attorney Docket Number:	109909-129591
Receipt Date:	22-APR-2008
Filing Date:	10-MAY-2002
Time Stamp:	15:50:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1020
RAM confirmation Number	1074
Deposit Account	500393
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.20 (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)	VM_P034_IssueFeeTrans.pdf	92964 3fc98836c66626be9eb1d905e888bdcb0a8e24f5	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8327 eb88719ec2178fadfc9b03dbbdd75928846f237e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	101291		

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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

25943 7590 01/23/2008

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 01/23/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591	2073

TITLE OF INVENTION: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1440	$300	$0	$1740	04/23/2008

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 SMALL ENTITY status shown above.

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

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

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

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

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

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

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

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Ex.1002
GOOGLE LLC / Page 30 of 348

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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

25943 7590 01/23/2008

SCHWABE, WILLIAMSON & WYATT, P.C.
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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591	2073

TITLE OF INVENTION: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1440	$300	$0	$1740	04/23/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
HASHEM, LISA	2614	455-414300

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

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

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

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 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.

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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.
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591	2073

25943 7590 01/23/2008

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 01/23/2008

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

The Patent Term Adjustment to date is 587 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 587 day(s).

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

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) 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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- 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 *RCE filed on 10-16-07*.

2. ☒ The allowed claim(s) is/are *1,2,4,6-11,13,15,16,19 and 21*.

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

   * Certified copies not received: _____.

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

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

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. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Upon close review of the claims, the prior art, and applicant's remarks in the RCE filed on 10-16-2007 it appears that the allowance of claims 1, 2, 4, 6-11, 13, 15, 16, 19, and 21 are appropriate.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:
upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1, 2, 4, 6-11, 13, 15, 16, 19, and 21 are appropriate.

U.S. Pat. No. 6,823,225 by Sass discloses a method for playing content and advertisements on a cellular device (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), comprising:
(a) autonomously providing information associated with a user of the cellular device, the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 11, lines 6-30);
(b) receiving from the server (Fig. 1, 14), by the cellular device, at least advertisement to be played on the cellular device, wherein the at least one advertisement is determined based at least in part by the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and
(c) if a determined interval occurs, stopping playing of content, by the cellular device, and playing at least one of the determined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), by the cellular device, the playing of the at least one determined advertisement comprising:
playing was stopped (e.g. interrupt communication),
while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose: 1) providing to a server, by a cellular device, information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device, 2) determining, by the server, an advertisement, and 3) recording the stopped content while the inserted advertisement is playing.

U.S. Pat. No. 6,647,257 by Owensby discloses a method for playing content and advertisements on a cellular device (Fig. 1, 12), comprising:

(a) autonomously providing to a server (i.e. call management system; Fig. 1, 20), by the cellular device (Fig. 1, 12), information associated with a user of the cellular device (i.e. call signal with the subscriber identification code identifying a subsidized subscriber and wireless mobile location data), the information including at least one of the group consisting of a preference of a

user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 12, lines 4-37; col. 15, lines 32-47; col. 18, lines 33-57);

(b) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 19, line 55 – col. 20, line 17);

(c) if a determined interval occurs, playing at least one of the determined advertisements, by the cellular device, during a call (col. 17, lines 37-53; col. 21, line 26 – col. 23, line 24).

Owensby discloses the server determines a specific advertisement to play based on the user information from the cellular device in order to address the user's interest.

However, Sass in view of Owensby do not disclose: providing to a server, by a cellular device, information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device; and recording the stopped content while the inserted advertisement is playing.

U.S. Pat. No. 7,006,807 by Szczublewski discloses a method for playing content and advertisements on a radio receiver device (e.g. and audio source in motor vehicles; Fig. 2) (col. 1, lines 13-26; col. 2, lines 14-23), comprising:

(a) autonomously providing by the radio receiver device information associated with a user of the radio receiver device;

(b) receiving from a server (Fig. 2, 222), by the radio receiver device, at least one advertisement to be played on the radio receiver device, wherein the at least one received advertisement is

determined by the server (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail) (col. 3, lines 30-49); and

(c) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of content (e.g. transitory audio information), by the radio receiver device, and playing at least one of the determined advertisements (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement comprising:

recording, by the radio receiver device, the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content, by the radio receiver device, from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

Sass in view of Owensby in further view of Szczublewski disclose temporarily storing in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

However, the prior art in combination do not meet the requirements of the claimed invention, which requires: 'providing information associated with a user of the cellular device to a server, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device; and receiving from the server an advertisement to the cellular device based on the provided informaiton', as cited in claims 1, 10, 15, and 19.

3. 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

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

5. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. 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).

lh
January 3, 2008

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0107027 A1	08-2002	O'Neil, Joseph Thomas	455/456
*	B	US-2005/0215238 A1	09-2005	Macaluso, Anthony G.	455/414.1
*	C	US-2005/0239448 A1	10-2005	Bayne, Anthony J.	455/414.3
*	D	US-6,952,559 B2	10-2005	Bates et al.	455/3.06
*	E	US-2007/0124762 A1	05-2007	Chickering et al.	725/035
*	F	US-2007/0099701 A1	05-2007	Simon et al.	463/040
*	G	US-2007/0184820 A1	08-2007	Marshall, Richard	455/414.3
*	H	US-2007/0283384 A1	12-2007	Haeuser et al.	725/34
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

ISSUE CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)							
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
455	414.3	455	412.1	420	456.3				
INTERNATIONAL CLASSIFICATION		725	34	42					
H04L	12/58								
H04M	3/00								
H04Q	7/20								
H04N	7/10								
G06F	3/00								

LH 1-3-08
Lisa Hashem 1-3-08
(Assistant Examiner) (Date)

(Legal Instruments Examiner) (Date)

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
Fan Tsang 1-3-08
(Primary Examiner) (Date)

Total Claims Allowed: 14

O.G. Print Claim(s)	O.G. Print Fig.
1	1

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		31		61		91		121		151		181
2	2		32		62		92		122		152		182
	3		33		63		93		123		153		183
4	4		34		64		94		124		154		184
	5		35		65		95		125		155		185
5	6		36		66		96		126		156		186
6	7		37		67		97		127		157		187
7	8		38		68		98		128		158		188
8	9		39		69		99		129		159		189
9	10		40		70		100		130		160		190
10	11		41		71		101		131		161		191
	12		42		72		102		132		162		192
11	13		43		73		103		133		163		193
	14		44		74		104		134		164		194
12	15		45		75		105		135		165		195
13	16		46		76		106		136		166		196
	17		47		77		107		137		167		197
	18		48		78		108		138		168		198
14	19		49		79		109		139		169		199
	20		50		80		110		140		170		200
3	21		51		81		111		141		171		201
	22		52		82		112		142		172		202
	23		53		83		113		143		173		203
	24		54		84		114		144		174		204
	25		55		85		115		145		175		205
	26		56		86		116		146		176		206
	27		57		87		117		147		177		207
	28		58		88		118		148		178		208
	29		59		89		119		149		179		209
	30		60		90		120		150		180		210

Search Notes	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

SEARCHED			
Class	Subclass	Date	Examiner
455	456.3	1/3/2008	LH
455	412.1 420	1/3/2008	LH
455	414.3	1/3/2008	LH
725	34,42	1/3/2008	LH

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner
PGPUB Text Search - see EAST search printout		1/3/2008	LH

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: advertisements in broadcast; recording content; wireless/mobile/portable device	12/19/2005	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume;	5/12/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	10/30/2006	LH
Consulted with Primary Ovidio Escalante	10/30/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	3/14/2007	LH
Consulted with SPE Fan Tsang	1/2/2008	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; location	1/3/2008	LH
Updated East Search Attached: Keywords + class/subclass search	1/3/2008	LH

EAST Interference Search for 10/143342

L9: (profile preference select$3) near3 (advertise$4 ad commercial).clm.

L10: L9 with ((wireless adj ($4phone device terminal)) pda $4phone mobile cell$4 portable).clm.

L11: L10 and ((break$3 interrupt$3 insert$3 paus$3 halt$3 stop$4) near3 (commercial ad advertise$4 broadcast$3 radio record$3 content program)).clm.

L12: L10 and ((location)).clm.

LA 1-3-08

Updated

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	22379	(profile preference select$3) near3 (advertise$4 ad commercial)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:18
L3	1547	l1 with ((wireless adj ($4phone device terminal)) pda $4phone mobile cell$4 portable)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:18
L5	284	l3 and ((break$3 interrupt$3 insert$3 paus$3 halt$3 stop$4) near3 (commercial ad advertise$4 broadcast$3 radio record$3 content program))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:19
L6	10	l5 and 455/412.1,420,414.3,456.3.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:16
L7	14	l5 and 725/34,42.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:19
L8	31	l5 and "455"/$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:16
L13	206	l5 and (location position GPS) with (ad advertise$4 commercial)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:22

LH

Ex.1002
GOOGLE LLC / Page 44 of 348

EAST Search History

L14	40	l13 and (broadcast$3 multicast$3) near3 (ad advertise$4 commercial)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/01/03 18:23

PTO/SB/30EFS (08/06)
Approved for use through 08/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	10143342	Filing Date	2002-05-10	Docket Number (if applicable)	109909-12951	Art Unit	2614
First Named Inventor	G. Eric Engstrom			Examiner Name	Hashem, Lisa		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 500393

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Richard B. Leggett/	Date (YYYY-MM-DD)	2007-10-16
Name	Richard B. Leggett	Registration Number	59485

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

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these 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.

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for: **ENGSTROM** Application No.: 10/143,342 Filed: May 10, 2002 For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT	Examiner: Hashem, Lisa Art Group: 2614 Confirmation No. 2073

MAIL STOP RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE IN SUPPORT OF REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR 1.114

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This paper is submitted in response to the Office Action mailed August 30, 2007. Consideration of the above-captioned application in view of the following remarks is respectfully requested.

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

Remarks begin on page 8 of this paper.

AMENDMENTS TO THE CLAIMS

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

1. (Currently Amended) A method for playing content and advertisements on a cellular device, comprising:

(a) autonomously providing to a server, by the cellular device, information associated with a user of the cellular device, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device ~~including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~;

(b) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(c) if a determined time interval occurs, stopping playing of content, by the cellular device, and playing at least one of the determined advertisements, by the cellular device, the playing of the at least one determined advertisement comprising:

recording, by the cellular device, the content which playing was stopped, while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content, by the cellular device, from where the stopping of the playing of the content occurred, using the recorded content.

2. (Currently Amended) The method of Claim 1, wherein the provided information additionally includes at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, content played on the cellular device, or a geographic location of the cellular device.

3. (Cancelled)

4. (Previously Presented) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) receiving from the server, by the cellular device, the at least one determined advertisement prior to the playing of the at least one determined advertisement; and

(b) recording, by the cellular device, at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

6. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive the content as a stream of content.

7. (Previously Presented) The method of Claim 1, further comprising receiving the content as a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Currently Amended) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing to a server information associated with a user of the cellular device, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device ~~including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~;

(ii) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

11. (Currently Amended) The cellular device of Claim 10, wherein the provided information additionally includes at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, content played on the cellular device, or a geographic location of the cellular device.

12. (Cancelled)

13. (Previously Presented) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) receiving from the server the at least one determined advertisement prior to the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Currently Amended) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate a client for playing content and advertisements on cellular devices, the client configured to cause actions to be performed, the actions including

(a) autonomously providing to a server information associated with a user of a cellular device, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device~~including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~,

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information,

(c) if a determined time interval occurs, stopping playing of the content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement including:

recording the content which playing was stopped while the at least one determined advertisement is playing, and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

16. (Currently Amended) The article of Claim 15, wherein the provided information additionally includes at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, content played on the cellular device, or a geographic location of the cellular device.

17. (Cancelled)

18. (Cancelled)

19. (Currently Amended) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate a server for providing content and advertisements to cellular devices, the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device ~~including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~,

(b) employing the received information to determine at least one advertisement to be played on the cellular device, and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of the content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, the playing of the at least one determined advertisement including:

recording the content which the playing was stopped while the at least one determined advertisement is playing, and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

20. (Cancelled)

21. (New) The method of claim 2 wherein the provided information additionally includes at least one selected from the group consisting of a game played on the cellular device, a radio station broadcast received by the cellular device, or a television station broadcast received by the cellular device.

REMARKS

Reconsideration of the application is respectfully requested. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 have been rejected by the Examiner. Of these, claims 1, 2, 10, 11, 15, 16, and 19 have been amended. Claim 21 is added. No new matter has been introduced. Support for claim amendments can be found, for example, on page 17, lines 9-12 and page 18, line 27 through page 19, line 11.

Claim Rejections 35 USC § 103

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,823,225 issued to Sass ("Sass") in view of U.S. Patent No. 6,647,257 issued to Owensby ("Owensby") and in further view of U.S. Patent No. 7,006,807 issued to Szczublewski et al. ("Szczublewski"). Because this combination fails to teach or disclose all elements of the amended claims, Applicants respectfully disagree.

Amended claim 1 is exemplary and recites a "method for playing content and advertisements on a cellular device, comprising, among other things:

> "autonomously providing to a server, by the cellular device, information associated with a user of the cellular device, the information taken by the cellular device from a message sent to the cellular device from another user of another cellular device, the message identifying characteristics of the user of the cellular device.
>
> (b) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information…"

Thus claim1 taken as a whole requires that the cellular device provide information to a server and receive at least one advertisement based on the provided information. In addition, the information used to determine the advertisement must be taken from a message sent to the cellular device by another user of another cellular device.

The combination of Sass, Owensby, and Szczublewski fails to teach or suggest all elements of claim 1. Sass teaches determining, by a server, a cellular device's geographic information using a network address or other identifier.[1] The server responds by providing ads based on the geographic information[2] as well as characteristics of the user stored in one of various databases[3]. But there is no discussion of how these characteristics are provided obtained. In short, there is no teaching or suggestion that the geographic information and user characteristics are "taken by the cellular device from a message sent to the cellular device from another user of another cellular device" as required by claim 1.

Szczublewski teaches buffering, by an automobile's audio system, transitory audio data – such as a radio broadcast – while another message is played. Examples include a collision warning, a driving direction, or an email notification received from an automobile subsystem.[4] Even if the audio subsystem of Szczublewski is read as a "cellular device" and the automobile subsystem is read as a "server", there is no teaching or suggestion in Szczublewski of providing *any* information by the audio subsystem(s), never mind information taken by the audio subsystem "from a message sent to the cellular device from another user of another cellular device" as required by claim 1.

Owensby discloses a method for targeting ads to mobile subscribers based on demographics, subscriber preferences, psychographic information, and the subscribers' previous responses to ads. The subscriber's mobile device provides this information to a server and the server provides ads in response. Column 5, lines 1-7 of Owensby teaches that the demographic and personal preference data is collected from the subscriber when the subscriber registers. Column 5, lines 47-67 describes that the subscriber's response data is continuously-collected as the subscriber responds to advertisements. There is no teaching in Owensby that the mobile

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[1] Sass, col. 8, lines 16-19.
[2] Sass, col. 8, lines 20-24.
[3] Sass, col. 11, lines 22-29.
[4] Szczublewski col. 3, lines 30-49.

device provide information "taken by the cellular device from a message sent to the cellular device from another user of another cellular device" as required by claim 1.

Additionally, it would not have been obvious to modify Owensby to achieve the method of claim 1. Owensby teaches targeting ads to subscribers based on information collected directly from the subscriber or from a history of the subscriber's responses. Thus Owensby targets ads based on information that originates from an affirmative act of the subscriber. But the method of claim 1 requires that the provided information originate from another source, in particular a message from another user of another cellular device. Doing so would not have been helpful to achieve the purpose of Owensby and, accordingly, one of ordinary skill in the art would have found no suggestion to modify Owensby to achieve the method of claim 1. Thus, for at least these reasons, Owensby fails to suggest information "taken by the cellular device from a message sent to the cellular device from another user of another cellular device" as required by claim 1.

For at least these reasons, Applicant submits that the combination of Sass, Szczublewski, and Owensby fails to teach or suggest all elements of claim 1 and that claim 1 is therefore patentable over the combination. Because claims 2, 4, 6-9 all depend from claim 1, Applicant submits that these claims are also patentable over the combination.

Independent claims 10, 15, and 19 contain similar limitations as claim 1. Additionally, claims 11 and 13 depend from claim 10 and claim 16 depends from claim 15. Therefore, for at least the reasons cited above, Applicant submits these claims are also patentable over the combination.

Claim 21

New claim 21 depends from claim 1 and thus, for at least the same reasons described above, is patentable over the combination of Sass, Szczublewski, and Owensby. In addition, Applicant submits that the combination fails to teach or suggest the additional limitations of claim 21. Thus, for at least that additional reason, claim 21 is patentable over the combination.

Conclusion

Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 16, 2007 by: /Richard B. Legett/
Richard B. Leggett
Reg. No.: 59,485

Schwabe, Williamson & Wyatt, P.C.
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Electronic Patent Application Fee Transmittal

Application Number:	10143342
Filing Date:	10-May-2002
Title of Invention:	Method and system for inserting advertisements into broadcast content
First Named Inventor/Applicant Name:	G. Eric Engstrom
Filer:	Richard Brian Leggett/Yvette Chriscaden
Attorney Docket Number:	109909-129591

Filed as Large Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	1801	1	810	810
		Total in USD ($)		**810**

Electronic Acknowledgement Receipt	
EFS ID:	2322002
Application Number:	10143342
International Application Number:	
Confirmation Number:	2073
Title of Invention:	Method and system for inserting advertisements into broadcast content
First Named Inventor/Applicant Name:	G. Eric Engstrom
Customer Number:	25943
Filer:	Richard Brian Leggett/Yvette Chriscaden
Filer Authorized By:	Richard Brian Leggett
Attorney Docket Number:	109909-129591
Receipt Date:	16-OCT-2007
Filing Date:	10-MAY-2002
Time Stamp:	14:44:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	$810
RAM confirmation Number	46
Deposit Account	500393
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 and 1.17	

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)	WS_P034_RCE.pdf	787490 85b0628e18316e42c1360a233884fd9d66be9850	no	3
Warnings:					
Information:					
2		WS_P034_RCEResponse.pdf	148682 02825ab35427fcd0f85d36bc23fd8c283eba521b	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	7
	Applicant Arguments/Remarks Made in an Amendment	8	11

Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8193 8ccf4319545d82a4285d3d3fe24710c0ec16edb3	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	944365		

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 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☒ To be Mailed
10/143,342	05/10/2002	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT	10/16/2007	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 14	Minus	** 20	= 0	X $ =		OR	X $50=	0
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $ =		OR	X $210=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

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

* 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.

Legal Instrument Examiner:
Nichele Peterson

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	109909-129591	2073

25943 7590 08/30/2007

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EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
08/30/2007	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *18 June 2007*.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-11,13,15,16 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4, 6-11, 13, 15, 16, and 19* is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment, filed 6-18-07, with respect to the rejection(s) of claim(s) 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. Please see all the rejection(s) above.

Claim Rejections - 35 USC § 103

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

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

3. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sass in further view of U.S. Pat. No. 6,647,257 by Owensby and in further view of Szczublewski.

Regarding claim 1, Sass discloses a method for playing content and advertisements on a cellular device (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), comprising: (a) autonomously providing information associated with a user of the cellular device, the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 11, lines 6-30);

(b) receiving from the server (Fig. 1, 14), by the cellular device, at least advertisement to be played on the cellular device, wherein the at least one advertisement is determined based at least in part by the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) if a determined interval occurs, stopping playing of content, by the cellular device, and playing at least one of the determined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), by the cellular device, the playing of the at least one determined advertisement comprising:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose: 1) providing to a server, by a cellular device, information, 2) determining, by the server, an advertisement, and 3) recording the stopped content while the inserted advertisement is playing.

Owensby discloses a method for playing content and advertisements on a cellular device (Fig. 1, 12), comprising:

(a) autonomously providing to a server (i.e. call management system; Fig. 1, 20), by the cellular device (Fig. 1, 12), information associated with a user of the cellular device (i.e. call signal with the subscriber identification code identifying a subsidized subscriber and wireless mobile location data), the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 12, lines 4-37; col. 15, lines 32-47; col. 18, lines 33-57);

(b) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 19, line 55 – col. 20, line 17);

(c) if a determined interval occurs, playing at least one of the determined advertisements, by the cellular device, during a call (col. 17, lines 37-53; col. 21, line 26 – col. 23, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sass to include providing to a server, by a cellular device, information, and determining, by the server, an advertisement as taught by Owensby. One of ordinary skill in the art would have been lead to make such a modification to have the server determine a specific advertisement to play based on the user information from the cellular device in order to address the user's interest.

However, Sass in view of Owensby do not disclose: recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses a method for playing content and advertisements on a radio receiver device (e.g. and audio source in motor vehicles; Fig. 2) (col. 1, lines 13-26; col. 2, lines 14-23), comprising:

(a) autonomously providing by the radio receiver device information associated with a user of the radio receiver device;

(b) receiving from a server (Fig. 2, 222), by the radio receiver device, at least one advertisement to be played on the radio receiver device, wherein the at least one received advertisement is determined by the server (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail) (col. 3, lines 30-49); and

(c) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of content (e.g. transitory audio information), by the radio receiver device, and playing at least one of the determined advertisements (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement comprising:

recording, by the radio receiver device, the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content, by the radio receiver device, from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sass in view of Owensby to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski.

One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 2, the method of Claim 1, wherein Owensby discloses the provided information additionally includes a geographic location of the cellular device (col. 12, lines 4-37).

Regarding claim 4, the method of Claim 1, wherein Sass discloses the playing of at least one determined advertisement further comprises:

(a) receiving from the server (Fig. 1, 14), by the cellular device, the at least one determined advertisement prior to the playing of the at least one determined advertisement; and

(b) recording, by the cellular device, at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 6, the method of Claim 1, wherein Sass discloses employing the cellular device to receive the content as a stream of content (col. 5, lines 49-67; col. 11, lines 41-51).

Regarding claim 7, the method of Claim 1, wherein Sass discloses receiving the content as a broadcast of content for playing on the cellular device (col. 5, lines 49-67; col. 11, lines 41-51).

Regarding claim 8, the method of Claim 1, wherein Sass discloses employing the cellular device to receive a stream for the at least one determined advertisement (col. 8, lines 6-31; col. 11, lines 30-51).

Regarding claim 9, the method of Claim 1, wherein Sass discloses receiving a broadcast of the at least one determined advertisement for playing on the cellular device (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 10, Sass discloses a cellular device (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), comprising:

(a) a memory for storing logical instructions (col. 5, lines 49-67);

(b) a wireless interface unit for sending and receiving data (col. 5, lines 9-36); and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, line 57 – col. 5, line 12), including:

(i) autonomously providing information associated with a user of the cellular device, the information including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (Fig. 1, 34; col. 11, lines 6-30);

(ii) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(iii) if a determined interval occurs, stopping playing of content, and playing at least one of the predetermined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement comprising:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose: 1) providing to a server information associated with a user of a cellular device, 2) determining, by the server, an advertisement, and 3) recording the stopped content while the inserted advertisement is playing.

Owensby discloses a cellular device (Fig. 1, 12), comprising:
(i) autonomously providing to a server (i.e. call management system; Fig. 1, 20), by the cellular device (Fig. 1, 12), information associated with a user of the cellular device (i.e. call signal with the subscriber identification code identifying a subsidized subscriber and wireless mobile location data), the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 12, lines 4-37; col. 15, lines 32-47; col. 18, lines 33-57);

(ii) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 19, line 55 – col. 20, line 17);
(iii) if a determined interval occurs, playing at least one of the determined advertisements, by the cellular device, during a call (col. 17, lines 37-53; col. 21, line 26 – col. 23, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular device of Sass to include providing to a server information associated with a user of a cellular device and determining, by the server, an advertisement as taught by Owensby. One of ordinary skill in the art would have been lead to make such a modification to have the server determine a specific advertisement to play based on the user information from the cellular device in order to address the user's interest.

However, Sass in view of Owensby do not disclose: recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses a radio receiver device (e.g. audio sources in motor vehicles; Fig. 2), comprising:
(a) a memory (Fig. 2, 204) for storing logical instructions;
(b) a interface unit (Fig. 2, 224) for sending and receiving data; and
(c) a processor (Fig. 2, 202) for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously provide information associated with a user of the radio receiver device;

(ii) receiving from the server (Fig. 2, 222) at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-

mail), wherein the at least one received advertisement is determined by the server (Fig. 2, 222) (col. 3, lines 30-49); and

(ii) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of content (e.g. transitory audio information), and playing at least one determined advertisement (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular device of Sass in view of Owensby to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 11, the cellular device of Claim 10, wherein Owensby further discloses the provided information additionally includes a geographic location of the cellular device (col. 12, lines 4-37).

Regarding claim 13, the cellular device of Claim 10, wherein Sass discloses the playing of at least one determined advertisement further comprises:

(a) receiving from the server (Fig. 1, 14) the at least one determined advertisement prior to the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 15, Sass discloses an article of manufacture comprising: a storage medium; and a plurality of programming instructions stored on the storage medium (col. 6, line 37 – col. 8, line 31) and adapted to instantiate a client for providing content and advertisements on cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), the client configured to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device, the information including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 11, lines 6-30);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) if a determined interval occurs, stopping playing of the content on the cellular device playing the at least one of the predetermined advertisement (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement including:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose: 1) providing to a server information associated with a user of a cellular device, 2) determining, by the server, an advertisement, and 3) recording the stopped content while the inserted advertisement is playing.

Owensby discloses an article of manufacture (Fig. 1), comprising:

(i) autonomously providing to a server (i.e. call management system; Fig. 1, 20), by a cellular device (Fig. 1, 12), information associated with a user of the cellular device (i.e. call signal with the subscriber identification code identifying a subsidized subscriber and wireless mobile location data), the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of

the cellular device, and content played on the cellular device (col. 12, lines 4-37; col. 15, lines 32-47; col. 18, lines 33-57);

(ii) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 19, line 55 – col. 20, line 17);

(iii) if a determined interval occurs, playing at least one of the determined advertisements, by the cellular device, during a call (col. 17, lines 37-53; col. 21, line 26 – col. 23, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of Sass to include providing to a server information associated with a user of a cellular device, and determining, by the server, an advertisement as taught by Owensby. One of ordinary skill in the art would have been lead to make such a modification to have the server determine a specific advertisement to play based on the user information in order to address the user's interest.

However, Sass in view of Owensby do not disclose: recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses providing content (e.g. transitory audio information) and advertisements on radio receiver devices (e.g. audio sources in motor vehicles; Fig. 2), including

(a) autonomously providing information associated with a user of a radio receiver device;

(b) receiving from a server or an automotive subsystem (Fig. 2, 222) at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail), wherein the at least one received advertisement is determined by the server (col. 3, lines 30-49); and

(c) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of the content on the radio receiver device playing the at least one determined advertisement (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement including: recording the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of Sass in view of Owensby to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 16, the article of claim 15, wherein Sass discloses the provided information additionally includes a geographic location of the cellular device (col. 12, lines 4-37).

Regarding claim 19, Sass discloses an article of manufacture comprising: a storage medium; and a plurality of programming instructions stored on the storage medium (col. 6, line 37 – col. 8, line 31) and adapted to instantiate a server for providing content and advertisements

to cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device, independent of user input;

(b) at least one determined advertisement to be played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) providing the at least one determined advertisement to the cellular device, wherein

if a determined interval occurs, playing of the content by the cellular device is stopped and the at least one of the predetermined advertisement is played on the cellular device (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement including:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose: 1) receiving information associated with a user of a cellular device from the cellular device, 2) employing the received information to determine an advertisement, and 3) recording the stopped content while the inserted advertisement is playing.

Owensby discloses an article of manufacture (i.e. call management system; Fig. 1, 20), comprising:

(a) receiving information (i.e. call signal with the subscriber identification code identifying a subsidized subscriber and wireless mobile location data), associated with a user of a cellular device from the cellular device (Fig. 1, 12), independent of user input, the information including at least one from the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 12, lines 4-37; col. 15, lines 32-47; col. 18, lines 33-57);

(b) employing the received information to determine at least one advertisement to be played on the cellular device (col. 19, line 55 – col. 20, line 17);

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined interval occurs, playing at least one of the determined advertisements, by the cellular device, during a call (col. 17, lines 37-53; col. 21, line 26 – col. 23, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of Sass to include receiving information associated with a user of a cellular device and employing the received information to determine an advertisement as taught by Owensby. One of ordinary skill in the art would have been lead to make such a

modification to determine a specific advertisement to play based on the user information from the cellular device in order to address the user's interest.

However, Sass in view of Owensby do not disclose: recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses providing content (e.g. transitory audio information) and advertisements on radio receiver devices (e.g. audio sources in motor vehicles; Fig. 2), including (a) receiving information associated with a user of a radio receiver device from the radio receiver device, independent of user input;
(b) employing the received information to determine at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail) to be played on the radio receiver device (col. 3, lines 30-49); and
(c) providing the at least one determined advertisement to the radio receiver device, wherein if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), playing of the content by the radio receiver device is stopped and the at least one determined advertisement is played on the radio receiver device (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement including:
recording the content which the playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of Sass in view of Owensby to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Conclusion

4. 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.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 attached.

6. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. 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).

lh
August 21, 2007

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,813,501	11-2004	Kinnunen et al.	455/456.2
*	B	US-2002/0077083	06-2002	Zellner et al.	455/414
*	C	US-6,647,257	11-2003	Owensby, Craig A.	455/414.1
	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	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.

Index of Claims

Application No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2614	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	8/21/07
	1	√
	2	√
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Search Notes

Application No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2614	

SEARCHED			
Class	Subclass	Date	Examiner
455	456.3	8/23/2007	LH

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: advertisements in broadcast; recording content; wireless/mobile/portable device	12/19/2005	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume;	5/12/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	10/30/2006	LH
Consulted with Primary Ovidio Escalante	10/30/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	3/14/2007	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; location	8/23/2007	LH

Updated

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3425	(profile preference) near3 (advertise$4 ad commercial)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:34
L2	177	l1 with (pda $4phone mobile cell$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:35
L3	5	2 and 455/456.3.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:34
L4	13	1 and 455/456.3.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:33
L5	40	2 and "455"/$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:36
L6	8	2 and ((break$3 interrupt$3 insert$3) near3 (radio record$3 content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:35
L7	2077	l1 and (pda $4phone mobile cell$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:35

EAST Search History

L8	139	7 and "455"/$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:36
L9	76	l8 and (location near3 (pda mobile cell$4 $4phone))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/08/23 00:36

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for: **ENGSTROM** Application No.: 10/143,342 Filed: May 10, 2002 For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT	Examiner: Hashem, Lisa Art Group: 2614 Confirmation No. 2073

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This paper is submitted in response to the Office Action mailed March 22, 2007. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 have been rejected by the Examiner and are pending in the application. Consideration of the above-captioned application in view of the following remarks is respectfully requested.

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

Remarks begin on page 8 of this paper.

AMENDMENTS TO THE CLAIMS

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

1. (Currently Amended) A method for playing content and advertisements on a cellular devices, comprising:

(a) autonomously providing to a server, employing by a the cellular device, to autonomously provide information associated with a user of the cellular device, the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device;

(b) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided informationemploying the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content, by the cellular device, and playing at least one of the determined advertisements, by the cellular device, the playing of the at least one determined advertisement comprising:

recording, by the cellular device, the content which playing was stopped, while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content, by the cellular device, from where the stopping of the playing of the content occurred, using the recorded content.

2. (Currently Amended) The method of Claim 1, wherein the provided information further comprisesadditionally includes one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data

~~of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~.

3. (Cancelled)

4. (Currently Amended) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) ~~providing the~~receiving from the server, by the cellular device, the at least one determined advertisement ~~to the cellular device~~ prior to the playing of the at least one determined advertisement; and

(b) recording, by the cellular device, at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

6. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive the content as a stream of content.

7. (Previously Presented) The method of Claim 1, further comprising receiving the content as a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Currently Amended) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing to a server information associated with a user of the cellular device, the information including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device;

(ii) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

11. (Currently Amended) The cellular device of Claim 10, wherein the provided information ~~comprises~~ additionally includes ~~one or more selected from the group consisting of~~ a geographic location of the cellular device~~, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~.

12. (Cancelled)

13. (Currently Amended) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) ~~providing~~ receiving from the server the at least one determined advertisement ~~to the cellular device~~ prior to the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Currently Amended) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate a client for playing content and advertisements on cellular devices, the client configured to cause actions to be performed, the actions including

(a) autonomously providing to a server information associated with a user of a cellular device ~~to a server~~, the information including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device,

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information,

(c) if a determined time interval occurs, stopping playing of the content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement including:

recording the content which playing was stopped while the at least one determined advertisement is playing, and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

16. (Currently Amended) The article of Claim 15, wherein the provided information ~~comprises one or more selected from the group consisting of~~additionally includes a geographic location of the cellular device~~, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device~~.

17. (Cancelled)

18. (Cancelled)

19. (Currently Amended) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate a server for providing content and advertisements to cellular devices, the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input, the information including at least one from the group consisting of a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device,

(b) employing the received information to determine at least one advertisement to be played on the cellular device, and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of the content by the cellular device is stopped and the at least one determined advertisement is played on the

cellular device, the playing of the at least one determined advertisement including:

recording the content which the playing was stopped while the at least one determined advertisement is playing, and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

20. (Cancelled)

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 have been rejected by the Examiner. Of these, claims 1, 2, 4, 10, 11, 13, 15, 16, and 19 have been amended to overcome the Examiner's rejections. No new matter has been introduced.

Claim Rejections 35 USC § 103

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 stand rejected under 35 USC § 103 as being unpatentable over U.S. Patent No. 6,823,225 issued to Sass ("Sass") in view of U.S. Patent No. 7,006,807 issued to Szczublewski ("Szczublewski").

Claim 1 recites a "method for playing content and advertisements on a cellular device, comprising:

(a) autonomously providing to a server, by the cellular device, information associated with a user of the cellular device, the information including at least one of the group consisting of a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device;

(b) receiving from the server, by the cellular device, at least one advertisement to be played on the cellular device, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(c) if a determined time interval occurs, stopping playing of content, by the cellular device, and playing at least one of the determined advertisements, by the cellular device, the playing of the at least one determined advertisement comprising:

recording, by the cellular device, the content which playing was stopped, while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content, by the cellular device, from where the stopping of the playing of the content occurred, using the recorded content."

Thus, the method of claim 1, taken as a whole as required by law, requires that the cellular device provide information to a server, that the server determine an appropriate advertisement, and that the cellular device receive the determined advertisement from the server.

In contrast, Sass fails to teach or suggest determination by a server of an appropriate advertisement based on information including one or more of user preferences, user behaviors, user demographics, or content viewed by the user, the information provided to the server by the cellular device. Rather, Sass teaches a system where a server provides a cellular device with content and advertisements. The only information provided to the server in Sass is a user location, which is then used by the server to determine a location appropriate advertisement to provide to the cellular device (Sass col. 8 lines 6-31). In Sass, it is actually the cellular device, not the server, which determines appropriate advertisements and content based on user preferences and demographic information (Sass Fig. 4 and col. 11 lines 6-56).

In addition to failing to disclose server determination of advertisements based on information other than a cell location, Sass teaches away from such server determination. First, by teaching a method of performing advertisement determination on the cellular device, Sass provides an alternative mechanism to achieve advertisement determination, a mechanism that has the advantage of reducing the number of cellular device to server communications. Second, while it makes sense to have the server determine location-related advertisements (as the cellular devices may lack GPS or other means of determining their locations), requiring the server to further determine advertisements based on user preferences, demographics, etc. requires the server to receive, store, and process a massive amount of data. This poses massive resource burdens, burdens which are unnecessary in light of the cellular device in Sass's ability to perform

such determining itself. Accordingly, one skilled in the art would not think to modify Sass to have the server in Sass (1) receive information including one or more of user preferences, user behaviors, user demographics, or content viewed by the user, the information provided to the server by the cellular device and (2) determine an advertisement based on that information.

Further, Szczublewski also fails to teach or suggest providing to a server, by a cellular device, information, and determining, by the server, an advertisement based on the determination. Rather, Szczublewski simply teaches a device capable of playing content, detecting an interrupt signal, and recording the content that had been playing prior to the interrupt signal while a message associate with the interrupt is played. No mention is made of the message being determined based on information associated with the player.

Accordingly, Sass and Szczublewski, when viewed as a whole by one skilled in the art, do not teach a system in which (1) cellular devices provide information including one or more of user preferences, user behaviors, user demographics, or content viewed by the user, the information provided to the server by the cellular device to a server and (2) a server determines an advertisement based on the information. Thus, claim 1 is patentable over Sass and Szczublewski, alone or in combination, under §103.

Claims 2, 4, 6-9 all depend from claim 1 incorporating its limitations. Thus, for at least for the reasons cited above, applicant submits that these claims are also patentable over Sass and Szczublewski, alone or in combination, under §103.

Independent claims 10, 15, and 19 have substantially the same limitations as claim 1. Therefore, for at least the reasons cited above, applicants submit that these claims are therefore patentable over Sass and Szczublewski, alone or in combination, under §103.

Claims 11 and 13 depend from claim 10, incorporating its limitations, and claim 16 depends from claim 15, incorporating its limitations. Thus, for at least the reasons cited above, applicants submit that these claims are also patentable over Sass and Szczublewski, alone or in combination, under §103.

Conclusion

Applicants submit that all pending claims, claims 1, 2, 4, 6-11, 13, 15, 16, and 19, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: June 18, 2007 by: /Robert C. Peck/
Robert C. Peck
Reg. No.: 56,826

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981

Electronic Acknowledgement Receipt

EFS ID:	1882205
Application Number:	10143342
International Application Number:	
Confirmation Number:	2073
Title of Invention:	Method and system for inserting advertisements into broadcast content
First Named Inventor/Applicant Name:	G. Eric Engstrom
Customer Number:	25943
Filer:	Robert Clinton Peck/Yvette Chriscaden
Filer Authorized By:	Robert Clinton Peck
Attorney Docket Number:	41051.P034
Receipt Date:	18-JUN-2007
Filing Date:	10-MAY-2002
Time Stamp:	16:49:07
Application Type:	Utility

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1		WS_P034_Resp_OA_032207.pdf	129698	yes	11

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment - After Non-Final Rejection	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	11
Warnings:			
Information:			
	Total Files Size (in bytes):	129698	

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 (07-06)
Approved for use through 1/31/2007. 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 10/143,342	Filing Date 05/10/2002	☐ To be Mailed

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

		(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	06/18/2007	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X $ =		OR	X $50=	0
	Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $ =		OR	X $200=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	**0**

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

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

Legal Instrument Examiner:
Stella Little

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.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 03/22/2007

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PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	
ART UNIT	PAPER NUMBER
2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

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

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *12-19-06*.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-11,13,15,16 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4, 6-11, 13, 15, 16, and 19* is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment, filed 12-19-06, with respect to the rejection(s) of claim(s) 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. Please see all the rejection(s) above.

Claim Rejections - 35 USC § 103

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

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

3. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,823,225 by Sass in further view of U.S. Pat. No. 7,006,807 by Szczublewski et al, hereinafter Szczublewski.

Regarding claim 1, Sass discloses a method for playing content and advertisements on cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) if a determined interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement comprising:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses a method for playing content and advertisements on radio receiver devices (e.g. audio sources in motor vehicles; Fig. 2) (col. 1, lines 13-26; col. 2, lines 14-23), comprising:

(a) employing a radio receiver device to autonomously provide information associated with a user of the radio receiver device;

(b) employing the provided information to determine at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail) to be played on the radio receiver device (Fig. 2) (col. 3, lines 30-49); and

(c) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of content (e.g. transitory audio information) by the radio receiver device and playing at least one of the determined advertisements (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sass to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 2, the method of Claim 1, wherein Sass further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-51).

Regarding claim 4, the method of Claim 1, wherein Sass further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing of the at least one determined advertisement; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 6, the method of Claim 1, wherein Sass further discloses employing the cellular device to receive the content as a stream of content (col. 5, lines 49-67; col. 11, lines 41-51).

Regarding claim 7, the method of Claim 1, wherein Sass further discloses receiving the content as a broadcast of content for playing on the cellular device (col. 5, lines 49-67; col. 11, lines 41-51).

Regarding claim 8, the method of Claim 1, wherein Sass further discloses employing the cellular device to receive a stream for the at least one determined advertisement (col. 8, lines 6-31; col. 11, lines 30-51).

Regarding claim 9, the method of Claim 1, wherein Sass further discloses receiving a broadcast of the at least one determined advertisement for playing on the cellular device (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 10, Sass discloses a cellular device (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), comprising:

(a) a memory for storing logical instructions (col. 5, lines 49-67);

(b) a wireless interface unit for sending and receiving data (col. 5, lines 9-36); and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, line 57 – col. 5, line 12), including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(iii) if a determined interval occurs, stopping playing of content, and playing at least one of the predetermined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement comprising:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses a radio receiver device (e.g. audio sources in motor vehicles; Fig. 2), comprising:

(a) a memory (Fig. 2, 204) for storing logical instructions;

(b) a interface unit (Fig. 2, 224) for sending and receiving data; and

(c) a processor (Fig. 2, 202) for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously provide information associated with a user of the radio receiver device;

(ii) receiving at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail), wherein the at least one received advertisement is determined based at least in part on the provided information (Fig. 2) (col. 3, lines 30-49); and

(ii) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of content (e.g. transitory audio information), and playing at least one determined advertisement (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular device of Sass to include a device that records the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 11, the cellular device of Claim 10, wherein Sass further discloses the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-51).

Regarding claim 13, the cellular device of Claim 10, wherein Sass further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 15, Sass discloses an article of manufacture comprising: a storage medium; and a plurality of programming instructions stored on the storage medium (col. 6, line 37 – col. 8, line 31) and adapted to instantiate a client for providing content and advertisements on cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), the client configured to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server;

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) if a determined interval occurs, stopping playing of the content on the cellular device playing the at least one of the predetermined advertisement (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement including:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses providing content (e.g. transitory audio information) and advertisements on radio receiver devices (e.g. audio sources in motor vehicles; Fig. 2), including (a) autonomously providing information associated with a user of a radio receiver device; (b) receiving from an automotive subsystem (Fig. 2, 222) at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail), wherein the at least one received advertisement is determined by the system based at least in part on the provided information (col. 3, lines 30-49); and

(c) if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), stopping playing of the content on the radio receiver device playing the at least one determined advertisement (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement including: recording the content which playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of manufacture of Sass to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 16, the article of claim 15, wherein Sass further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-51).

Regarding claim 19, Sass discloses an article of manufacture comprising: a storage

medium; and a plurality of programming instructions stored on the storage medium (col. 6, line 37 – col. 8, line 31) and adapted to instantiate a server for providing content and advertisements to cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36; col. 8, lines 7-18), the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) providing the at least one determined advertisement to the cellular device, wherein

if a determined interval occurs, playing of the content by the cellular device is stopped and the at least one of the predetermined advertisement is played on the cellular device (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement including:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred (col. 5, lines 49-67; col. 8, lines 25-31; col. 11, lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of

a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

However, Sass does not disclose recording the stopped content while the inserted advertisement is playing.

Szczublewski discloses providing content (e.g. transitory audio information) and advertisements on radio receiver devices (e.g. audio sources in motor vehicles; Fig. 2), including (a) receiving information associated with a user of a radio receiver device from the radio receiver device, independent of user input;

(b) employing the received information to determine at least one advertisement (e.g. interrupt signal; message; impending collision warning; driving route instruction; notification of e-mail) to be played on the radio receiver device (col. 3, lines 30-49); and

(c) providing the at least one determined advertisement to the radio receiver device, wherein if a determined interval occurs (e.g. interruption; col. 1, lines 13-21), playing of the content by the radio receiver device is stopped and the at least one determined advertisement is played on the radio receiver device (col. 3, line 20 – col. 4, line 3), the playing of the at least one determined advertisement including:

recording the content which the playing was stopped (e.g. buffering the transitory audio information), while the at least one determined advertisement is playing (col. 3, lines 20-49); and when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred,

using the recorded content (col. 2, lines 14-23; col. 3, line 50 – col. 4, line 48; col. 5, lines 41-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of manufacture of Sass to include recording the stopped content while the at least one determined advertisement is playing as taught by Szczublewski. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a broadcast even while a determined advertisement is playing (e.g. interrupting the broadcast), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 attached.

5. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. 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).

lh
March 14, 2007

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,526,335	02-2003	Treyz et al.	701/1
*	B	US-6,587,127	07-2003	Leeke et al.	715/765
*	C	US-2001/0037240	11-2001	Marks et al.	705/14
*	D	US-6,823,225	11-2004	Sass, Jonathan	700/94
*	E	US-6,163,683	12-2000	Dunn et al.	455/151.1
*	F	US-6,600,908	07-2003	Chan, Hark C.	455/150.1
*	G	US-7,006,807	02-2006	Szczublewski et al.	455/227
*	H	US-7,003,478	02-2006	Choi, Hyung-sik	705/14
*	I	US-6,226,444	05-2001	Goldschmidt Iki et al.	386/83
*	J	US-5,689,799	11-1997	Dougherty et al.	455/2.01
*	K	US-6,950,623	09-2005	Brown et al.	455/3.01
*	L	US-6,698,020	02-2004	Zigmond et al.	725/34
*	M	US-6,507,764	01-2003	Parrella et al.	700/94

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
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	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.

Index of Claims

Application No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2614	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	3/14/07
	1	√
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Search Notes	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

SEARCHED			
Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: advertisements in broadcast; recording content; wireless/mobile/portable device	12/19/2005	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume;	5/12/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	10/30/2006	LH
Consulted with Primary Ovidio Escalante	10/30/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	3/14/2007	LH

Updated

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S93	21	(buffer$3) near (((real adj time) live) near (broadcast$3 program$4))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 09:42
S96	620	(mobile wireless $4phone cell$4 pda bluetooth radio) and ((ad advertise$4 commercial) with ((sav$3 record$3 buffer$3) near (broadcast$3 program$4)))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 10:17
S97	184	S96 and ((tim$3) near (commercial ad advertisement))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 09:49
S100	42	S97 and ((paus$3 halt$3 stop$4) near (broadcast$3 program$4 play$3))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 10:16
S106	92	(mobile wireless $4phone cell$4 pda bluetooth radio) same ((ad advertise$4 commercial) with ((sav$3 record$3 buffer$3) near (broadcast$3 program$4 segment)))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 10:18
S110	120257	"455"/$.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 10:35
S111	2746	S110 and ((buffer$3 record$3) near3 (broadcast$3 program$4 segment))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 11:00
S112	16	S111 and ((paus$3 interrupt$3 halt$3 stop$4) near3 (commercial advertisement ad))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 10:37

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EAST Search History

S113	85	S110 and ((buffer$3 record$3) near3 (broadcast$3 program$4 segment)) with (commercial ad advertisement interruption)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2007/03/14 15:12

Ex.1002
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for: **ENGSTROM** Application No.: 10/143,342 Filed: May 10, 2002 For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT	Examiner: Hashem, Lisa Art Group: 2614 Confirmation No. 2073

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This paper is submitted in response to the Office Action mailed November 15, 2006. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 have been rejected by the Examiner and are pending in the application. Consideration of the above-captioned application in view of the following remarks is respectfully requested.

Listing of the Claims begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

LISTING OF THE CLAIMS

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

1. (Previously Presented) A method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped, while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

2. (Previously Presented) The method of Claim 1, wherein the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

3. (Cancelled)

4. (Previously Presented) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing of the at least one determined advertisement; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

6. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive the content as a stream of content.

7. (Previously Presented) The method of Claim 1, further comprising receiving the content as a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Previously Presented) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

11. (Previously Presented) The cellular device of Claim 10, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

12. (Cancelled)

13. (Previously Presented) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Previously Presented) An article of manufacture comprising:
a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate a client for playing content and advertisements on cellular devices, the client configured to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server,

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information,

(c) if a determined time interval occurs, stopping playing of the content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement including:

recording the content which playing was stopped while the at least one determined advertisement is playing, and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

16. (Previously Presented) The article of Claim 15, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

17. (Cancelled)

18. (Cancelled)

19. (Previously Presented) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate a server for providing content and advertisements to cellular devices, the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input,

(b) employing the received information to determine at least one advertisement to be played on the cellular device, and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of the content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, the playing of the at least one determined advertisement including:

recording the content which the playing was stopped while the at least one determined advertisement is playing, and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

20. (Cancelled)

REMARKS

Reconsideration of the application is respectfully requested.

Examiner has rejected claims 10, 15, and 19 for being directed to non-statutory subject matter.

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 have been rejected by the Examiner.

Claim Rejections 35 USC § 101

Examiner has rejected claims 10, 15, and 19 for being directed towards non-statutory subject matter. In particular, Examiner cites page 9, lines 3-10 of the specification which reads:

> "The *communication media* typically embodies computer-readable instructions, data structures, program modules, or other data in a *modulated data signal* such as a carrier wave or other transport mechanism and includes any information delivery media."

Examiner then concludes that a "modulated data signal" is a signal that encodes information and, that therefore claims 10, 15, and 19 are nonstatutory. Applicant respectfully submits that claims 10, 15, and 19 are all directed towards statutory subject matter.

35 U.S.C. § 101 provides that:

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

Claim 10 is exemplary and reads:

10. A cellular device, comprising:

> (a) a memory for storing logical instructions;
> (b) a wireless interface unit for sending and receiving data; and
> (c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:
>
> > (i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information;
(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

Thus, claim 10 is directed towards a cellular device with memory, a wireless interface unit, and a processor. In other words: a physical device. It is not a "modulated signal" or "communications media." Additionally, the words "modulated signal" or "communication media" do not appear in claim 10. To be certain, the cellular device of claim 10 will send and receive modulated signals over a communication media, but the claim itself is directed towards a physical device, not the signals it sends and receives. Thus, applicant respectfully submits that the cellular device of claim 10 is directed towards statutory subject matter.

Claims 15 and 19 are similar, and differ only in that they are directed towards an "article of manufacture" rather than a cellular device. Therefore, applicant submits these claims are also directed towards statutory subject matter.

Claim Rejections 35 USC § 103

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 stand rejected under 35 USC § 103 as being unpatentable over U.S. Patent No. 6,823,225 issued to Sass ("Sass"). Claim 1 recites a method for playing content and advertisements on a cellular device comprising, inter alia, determining at least one advertisement to be played on the cellular device and, after a predetermined time interval:

- stopping the playing of content on the cellular device;

- playing the at least one advertisement;
- recording the stopped content while the advertisement is being played
- after the advertisement is complete, resuming the stopped content at the point where it was stopped.

Thus, the method of claim 1, taken as a whole as required by law, requires that the cellular device both record interrupted content and resume play of the interrupted content at the point where it was stopped.

Sass discloses a method of interrupting an audio broadcast streamed to a cellular device in order to insert one advertisement in the place of another. Examiner asserts that it would have been obvious to one of ordinary skill in the art to modify the method of Sass to include recording the interrupted content while the inserted advertisement is playing.

Applicant respectfully asserts that Sass not only fails to disclose or suggest, but teaches away from, recording the stopped content while the inserted advertisement is playing. Sass teaches that users of cellular devices may listen to broadcasts from outside their geographic area and thus receive advertisements that are inappropriate for the location that they are in. To solve this problem, Sass teaches inserting geographically appropriate advertisements in their place. (See column 8 lines 6-25). Thus, the purpose of the method disclosed in Sass is *to prevent the listener from hearing the stopped content*.

Accordingly, there could have been no suggestion to modify the method of Sass to include recording the stopped content because recording the interrupted advertisements is of no value when the advertisements have been interrupted and replaced because they are inappropriate for the listener. Thus, Sass teaches away from modifying the method of Sass to include recording the location-inappropriate advertisement while the appropriate advertisement is played. Therefore, for at least these reasons, applicant respectfully submits that claim 1 is nonobvious and therefore patentable over Sass.

Claims 2, 4, 6-9 all depend from claim 1 incorporating its limitations. Thus, for at least for the reasons cited above, applicant submits that these claims are also patentable over Sass.

Independent claims 10, 15, and 19 have substantially the same limitations as claim 1. Therefore, for at least the reasons cited above, applicants submit that these claims are therefore patentable over Sass.

Claims 11 and 13 depend from claim 10, incorporating its limitations and claim 16 depends from claim 15, incorporating its limitations. Thus, for at least the reasons cited above, applicants submit that these claims are also patentable over Sass.

Conclusion

Applicants submit that all pending claims, claims 1, 2, 4, 6-11, 13, 15, 16, and 19, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: December 19, 2006

by: /Richard B. Leggett/
Richard B. Leggett
Reg. No.: 59,485

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Portland, Oregon 97222
Telephone: 503-222-9981

Electronic Acknowledgement Receipt

EFS ID:	1384950
Application Number:	10143342
International Application Number:	
Confirmation Number:	2073
Title of Invention:	Method and system for inserting advertisements into broadcast content
First Named Inventor/Applicant Name:	G. Eric Engstrom
Customer Number:	25943
Filer:	Richard Brian Leggett/Yvette Chriscaden
Filer Authorized By:	Richard Brian Leggett
Attorney Docket Number:	41051.P034
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Time Stamp:	16:40:23
Application Type:	Utility

Payment information:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1		WS_P034_Resp_OA_111506.pdf	141914	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment - After Non-Final Rejection	1	1
	Claims	2	6
	Applicant Arguments/Remarks Made in an Amendment	7	10
Warnings:			
Information:			
	Total Files Size (in bytes):	141914	

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.

PTO/SB/06 (12-04)
Approved for use through 7/31/2006. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date:	☐ To be Mailed
10143342	05/10/2002	

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	790.00
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*	X $25 =		OR	X $50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	X $100 =			X $200 =	84
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			+ $180			+$360	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	874.00

APPLICATION AS AMENDED – PART II

AMENDMENT A	101106	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X $25 =		OR	X $50=	
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	X $100 =		OR	X $200=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

12/19/06

AMENDMENT B		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X $25 =		OR	X $50 =	
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	X $100 =		OR	X $200 =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

CALCULATE

* 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.

Legal Instrument Examiner:
Rosalind Ball

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.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 11/15/2006

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EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 11/15/2006

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

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *10-11-06*.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-11,13,15,16 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4, 6-11, 13, 15, 16, and 19* is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

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

2. Claims 10, 15, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. In section page 9, lines 3-10 of the instant specification it is stated the communication media typically embodies computer-readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media. The term 'modulated data signal' means a signal that has one or more of its characteristics set or changed in such a manner as to encode information in the signal, thus making the claims 'signal' claims. Signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of 101. Appropriate action is required.

Claim Rejections - 35 USC § 103

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

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

5. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,823,225 by Sass.

Regarding claim 1, Sass discloses a method for playing content and advertisements on cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36), comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) if a determined interval occurs, stopping playing of content by the cellular device and playing at least one of the predetermined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement comprising:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 5, lines 49-67; col. 8, lines 25-31; col. lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sass to include recording the content while the at least one determined advertisement is playing. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a real-time broadcast (e.g. radio program) from a server even while a determined advertisement is playing (e.g. interrupting the program), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 2, the method of Claim 1, wherein Sass further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-51).

Regarding claim 4, the method of Claim 1, wherein Sass further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing of the at least one determined advertisement; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 6, the method of Claim 1, wherein Sass further discloses employing the cellular device to receive the content as a stream of content (col. 5, lines 49-67; col. 11, lines 41-51).

Regarding claim 7, the method of Claim 1, wherein Sass further discloses receiving the content as a broadcast of content for playing on the cellular device (col. 5, lines 49-67; col. 11, lines 41-51).

Regarding claim 8, the method of Claim 1, wherein Sass further discloses employing the cellular device to receive a stream for the at least one determined advertisement (col. 8, lines 30-38).

Regarding claim 9, the method of Claim 1, wherein Sass further discloses receiving a broadcast of the at least one determined advertisement for playing on the cellular device (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 10, Sass discloses a cellular device (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36), comprising:

(a) a memory for storing logical instructions (col. 5, lines 49-67);

(b) a wireless interface unit for sending and receiving data (col. 5, lines 9-36); and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, line 57 – col. 5, line 12), including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(iii) if a determined interval occurs, stopping playing of content, and playing at least one of the predetermined advertisements (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement comprising:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 5, lines 49-67; col. 8, lines 25-31; col. lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sass to include recording the content while the at least one determined advertisement is playing. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a real-time broadcast (e.g. radio program) from a server even while a determined advertisement is playing (e.g. interrupting the program), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 11, the cellular device of Claim 10, wherein Sass further discloses the provided information comprises one or more selected from the group consisting of a geographic

location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-51).

Regarding claim 13, the cellular device of Claim 10, wherein Sass further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs (col. 8, lines 6-31; col. 11, lines 30-56).

Regarding claim 15, Sass discloses an article of manufacture comprising: a storage medium; and a plurality of programming instructions stored on the storage medium (col. 6, line 37 – col. 8, line 31) and adapted to instantiate a client for providing content and advertisements on cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36), the client configured to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server;

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) if a determined interval occurs, stopping playing of the content on the cellular device playing the at least one of the predetermined advertisement (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement including:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 5, lines 49-67; col. 8, lines 25-31; col. lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g. cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of manufacture of Sass to include recording the content while the at least one determined advertisement is playing. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a real-time broadcast (e.g. radio program) from a server even while a determined advertisement is playing (e.g. interrupting the program), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Regarding claim 16, the article of claim 15, wherein Sass further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of

the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-51).

Regarding claim 19, Sass discloses an article of manufacture comprising: a storage medium; and a plurality of programming instructions stored on the storage medium (col. 6, line 37 – col. 8, line 31) and adapted to instantiate a server for providing content and advertisements to cellular devices (Fig. 1, 10) (col. 4, line 19 - col. 5, line 36), the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device (col. 8, lines 6-24; col. 11, lines 6-32); and

(c) providing the at least one determined advertisement to the cellular device, wherein

if a determined interval occurs, playing of the content by the cellular device is stopped and the at least one of the predetermined advertisement is played on the cellular device (col. 8, lines 25-31; col. 11, lines 35-51), the playing of the at least one determined advertisement including:

playing was stopped (e.g. interrupt communication),

while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content (col. 5, lines 49-67; col. 8, lines 25-31; col. lines 35-56).

Sass further discloses that the memory device (Fig. 1, 34) temporarily records or store content (e.g. audio data, commercials, programs, live broadcasts) received by the receiver (e.g.

cellular device) from a server (Fig. 1, 14) (col. 8, lines 42-44; col. 11, lines 35-40) and the memory device act as a buffer to store the packets of data to prevent interruptions of the audio output when the network is slow or communication is momentarily interrupted (e.g. insertion of a commercial or advertisement). Sass further discloses an advertisement is played during a break of the program or inserted in selected point in the program (col. 8, lines 25-31; col. 11, lines 6-13 and lines 41-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the article of manufacture of Sass to include recording the content while the at least one determined advertisement is playing. One of ordinary skill in the art would have been lead to make such a modification to temporarily store in a buffer a stream of content of a real-time broadcast (e.g. radio program) from a server even while a determined advertisement is playing (e.g. interrupting the program), in order to prevent missing any content broadcasted while the advertisement is playing to the user in real-time.

Response to Arguments

6. Applicant's arguments, see RCE, filed 10-11-06, with respect to the rejection(s) of claim(s) 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. Please see all the rejection(s) above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 attached.

8. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. 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).

lh
October 30, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,526,335	02-2003	Treyz et al.	701/1
*	B	US-6,587,127	07-2003	Leeke et al.	715/765
*	C	US-2001/0037240	11-2001	Marks et al.	705/14
*	D	US-6,823,225	11-2004	Sass, Jonathan	700/94
*	E	US-6,163,683	12-2000	Dunn et al.	455/151.1
*	F	US-6,600,908	07-2003	Chan, Hark C.	455/150.1
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

SEARCHED			
Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: advertisements in broadcast; recording content; wireless/mobile/portable device	12/19/2005	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume;	5/12/2006	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume; buffer	10/30/2006	LH
Consulted with Primary Ovidio Escalante	10/30/2006	LH

Index of Claims

Application No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2614	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	10/30/06
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Updated

10/143342

EAST Search History

10-30-06 LH

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S64	552	(play$3 near3 (commercial advertisement)) with (broadcast audio music radio)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 08:59
S65	278	S64 and ((paus$3 stop$4 record$3) near3 (content audio music radio broadcast))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 09:55
S66	133	S65 and ((cell$4 mobile portable wireless) near3 (device $4phone))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 09:56
S74	128	S66 and ((play$4 resum$3 interrupt$3) near3 (music audio radio broadcast$3 content))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 09:56
S75	128	S74 and ((cell$4 mobile portable wireless) near3 (device $4phone))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 10:14
S78	10959	((record$3 buffer$3) near3 (content radio music audio live broadcast$3)) same (paus$3 stop$4 interrupt$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 10:12
S79	562	S78 and ((paus$3 stop$4 record$3) near3 (advertisement$1 commercial$1 ad))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 10:13
S80	198	S79 and ((cell$4 mobile portable wireless) near3 (device $4phone))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 10:15

EAST Search History

S83	124	S80 and ((location behavior preference$1 profile$1) near3 (content radio audio music broadcast$3 ad advertisement$1 commercial$1))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/10/30 10:16

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GOOGLE LLC / Page 154 of 348

OIPE IAP8 OCT 11 2006 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

G. Eric Engstrom

Application No.: 10/143,342

Confirmation No.: 2073

Filed: May 10, 2002

For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Examiner: Hashem, Lisa

Art Unit: 2614

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on this date:

October 5, 2006
DATE

Yvette L. Chriscaden
TYPED OR PRINTED NAME

SIGNATURE

MAIL STOP RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE IN SUPPORT OF REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR 1.114

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This RCE Amendment and Response is submitted in lieu of the Appeal Brief due October 18, 2006, withdrawing the Application from the appeal initiated by the Notice of Appeal filed on August 18, 2006. Consideration of the above-captioned application in view of the amendments and remarks to follow is respectfully requested.

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

Remarks begin on page 8 of this paper.

AMENDMENTS TO THE CLAIMS

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

1. (Currently Amended) A method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped, while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

2. (Previously Presented) The method of Claim 1, wherein the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

3. (Cancelled)

4. (Currently Amended) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to ~~their~~ the playing of the at least one determined advertisement; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

6. (Currently Amended) The method of Claim 1, further comprising employing the cellular device to receive the content as a stream of content.

7. (Currently Amended) The method of Claim 1, further comprising receiving the content as a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Currently Amended) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording the content which playing was stopped while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

11. (Previously Presented) The cellular device of Claim 10, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

12. (Cancelled)

13. (Currently Amended) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to ~~their~~the playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Currently Amended) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate ~~A~~ a client for playing content and advertisements on cellular devices, ~~comprising~~the client configured to~~:logic adapted to~~ cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server,[[;]]

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information,[[;]]

(c) if a determined time interval occurs, stopping playing of the content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement ~~comprising~~including:

recording the content which playing was stopped while the at least one determined advertisement is playing,[[;]] and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

16. (Currently Amended) The ~~client~~ article of Claim 15, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

17. (Cancelled)

18. (Cancelled)

19. (Currently Amended) An article of manufacture comprising:

a storage medium; and

a plurality of programming instructions stored on the storage medium and adapted to instantiate ~~A~~ a server for providing content and advertisements to cellular devices, ~~comprising: logic adapted~~the server configured to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input,[[;]]

(b) employing the received information to determine at least one advertisement to be played on the cellular device,[[;] and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of the content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, the playing of the at least one determined advertisement ~~comprising~~including:

recording the content which the playing was stopped while the at least one determined advertisement is playing[[;]], and

when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content.

20. (Cancelled)

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Remarks

Reconsideration of the application is respectfully requested.

This RCE Amendment and Response is submitted in lieu of the Appeal Brief due October 18, 2006, withdrawing the Application from the appeal initiated by the Notice of Appeal filed on August 18, 2006. Claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in the application. Claims 1-2, 4, 6-11, 13, 15-16, and 19 have been rejected by the Examiner in the final Office Action dated May 18, 2006. In response, Applicant has amended claims 1, 6-7, 10, 15-16, and 19. Amendments to claims 4 and 13, which were offered in Applicant's response dated June 7, 2006, were not entered by the Examiner and are thus reproduced above as "currently amended."

Rejection under 35 U.S.C. § 103

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 stand rejected under 35 USC § 103(a), as being unpatentable over U.S. Patent No. 6,526,335 to *Treyz et al.* (hereinafter "Treyz"), in further view of U.S. Patent No. 6,587,127 to *Leeke et al.* (hereinafter "Leeke").

To overcome the Examiner's rejections, Applicant has amended claims 1, 10, 15, and 19. More specifically, the Examiner noted in the Advisory Action dated June 28, 2006 that the "content" in the recording and resuming operations did not refer back to the "content" in the stopping operation. Applicant has amended the claims to correct this deficiency.

Amended claim 1 recites a "method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

> recording the content which playing was stopped while the at least one determined advertisement is playing; and
>
> when the playing of the at least one determined advertisement is completed, resuming the playing of the stopped content from where the stopping of the playing of the content occurred, using the recorded content."

Accordingly, the present invention, as claimed in claim 1, teaches a method of resuming the play of stopped content from where the stopping of play (to insert a determined advertisement) occurred, thus playing the full content and the determined advertisement, the full content played in its original temporal order. As claimed in claim 1, the method involves recording the contents while the advertisement is playing and resuming the playing of the stopped contents from the point in time when the determined advertisement first interrupted, once the determined advertisement completes playing.

In contrast, the combination of Treyz and Leeke fails to teach or suggest a method of resuming the play of stopped content from where the stopping of play occurred, following interruption by a determined advertisement, thus playing the full content and the determined advertisement. Treyz simply teaches the employment of an automobile personal computer to stop playing of a passive stream of audio content in response to user selection of an Internet link, initiating another stream of audio content. No mention or suggestion is made by Treyz of recording the interrupted first passive stream of audio contents and resuming the playing of the interrupted first passive stream of audio contents, much less resuming the playing from the point in time of interruption, as is claimed by claim 1.

Leeke does not remedy the deficiencies of Treyz. Leeke discloses a method of playing content and advertisements on a client device, including the employment of the client device to stop playing content and to instead play the determined advertisement upon reaching an insertion point (i.e., at the beginning of a commercial, replacing the commercial with the determined advertisement), and to resume playing of the content from the point in time when the replaced content would have ended (for example, at the end of the commercial). Additionally, the client device of Leeke allows its user to record

some portion of the content. No mention or suggestion is made of recording the interrupted contents and of resuming the playing of the contents from the point in time of interruption, as is claimed by claim 1 (in Leeke, the contents resume playing at the end of the commercial, not the beginning when the determined advertisement interrupted). At best, Leeke suggests either playing the contents minus the replaced portion, with the determined advertisement interleaved, or playing the full original content out of its original temporal order, with the replaced portion being played to the user at a later, out-of-order time.

Thus, the combination of Treyz and Leeke fails to suggest a method of resuming the play of stopped content from where the stopping of play occurred, following interruption by a determined advertisement, thus playing the full content and the determined advertisement. Accordingly, claim 1 is patentable over Treyz and Leeke, alone or in combination.

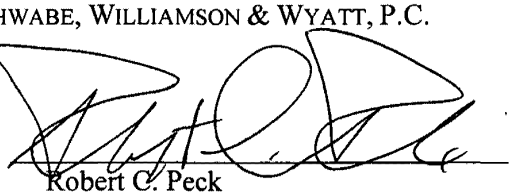
Amended claims 10, 15, and 19 include similar limitations to amended claim 1. Accordingly, for at least the same reasons, amended claims 10, 15, and 19 are patentable over Treyz and Leeke, alone or in combination.

Furthermore, claims 2, 4, 6-9, 11, 13, and 16 depend from independent, amended claims 1, 10, 15, and 19, respectively, incorporating their limitations. Therefore, for at least the same reasons, claims 2, 4, 6-9, 11, 13, and 16 are patentable over Treyz and Leeke, alone or in combination.

Conclusion

In view of the foregoing, claims 1-2, 4, 6-11, 13, 15-16, and 19 are believed to be in condition for allowance. Early issuance of a Notice of Allowance is earnestly solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 5, 2006 by: 

Robert C. Peck
Reg. No.: 56,826

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981

OIPE IAP8 OCT 11 2006 PATENT & TRADEMARK OFFICE

RCE (RW)

PTO/SB/30 (09-04)
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Request for Continued Examination (RCE) Transmittal

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

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Art Unit	2614
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. 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).

   a. ☐ 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.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☒ Enclosed

      i. ☒ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

   a. ☐ 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)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500393. I have enclosed a duplicate copy of this sheet.

      i. ☒ RCE fee required under 37 CFR 1.17(e)

      ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

      10/12/2006 HDEMESS1 00000013 10143342
      01 FC:1801 790.00 OP

   b. ☒ Check in the amount of $ 790 enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Robert C. Peck/	Date	October 5, 2006
Name (Print/Type)	Robert C. Peck	Registration No.	56,826

CERTIFICATE OF MAILING OR TRANSMISSION

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

Signature	/Yvette L. Chriscaden/		
Name (Print/Type)	Yvette L. Chriscaden	Date	October 5, 2006

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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, 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.

OIPE IAP8
OCT 11 2006
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)
Approved for use through 07/31/2006. 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

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 790

Complete if Known	
Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Examiner Name	Hashem, Lisa
Art Unit	2614
Attorney Docket No.	109909-129591

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 500393 Deposit Account Name: Schwabe, Williamson et al

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = _____ x Fee ($) _____ = Fee Paid ($) _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x Fee ($) _____ = Fee Paid ($) _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ - 100 = _____ / 50 = _____ (round up to a whole number) x Fee ($) _____ = Fee Paid ($) _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Request for Continued Examination	790

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 56,826	Telephone 503-222-9981
Name (Print/Type)	Robert C. Peck		Date October 5, 2006

This collection of information is required by 37 CFR 1.136. 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, 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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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Art Unit	2614
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [x] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Request for Continued Examination; Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	October 5, 2006	Reg. No.	56,826

CERTIFICATE OF TRANSMISSION/MAILING

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

Signature			
Typed or printed name	Yvette L. Chriscaden	Date	October 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/06 (12-04)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date:	☐ To be Mailed
10143342	05/10/2002	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☐ RATE ($)	SMALL ENTITY ☐ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $25 =		OR	X $50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $100 =			X $200 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			+ $180			+$360	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT A	101106	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 13	Minus	** 20	= 0	X $25 =		OR	X $50=	
	Independent (37 CFR 1.16(h))	* 4	Minus	** 4	= 0	X $100 =		OR	X $200=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $25 =		OR	X $50 =	
	Independent (37 CFR 1.16(h))	*	Minus	**	=	X $100 =		OR	X $200 =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
	CALCULATE					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 number found in the appropriate box in column 1.

Legal Instrument Examiner:
Rosalind Ball

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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PTO/SB/31 (04-05)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional): 109909-129591

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on August 18, 2006
Signature: Yvette L. Chriscaden
Typed or printed name: Yvette L. Chriscaden

In re Application of: G. Eric Engstrom

Application Number	Filed
10/143,342	May 10, 2002

For: METHOD AND SYSTEM FOR INSERTING...

Art Unit	Examiner
2614	Hashem, Lisa

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

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 500

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: $

☒ A check in the amount of the fee is enclosed.

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

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

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 500393. I have enclosed a duplicate copy of this sheet.

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

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

I am the

☐ applicant/inventor.

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

☐ attorney or agent of record. Registration number .

☒ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. 56,826

Signature

Robert C. Peck
Typed or printed name

503-222-9981
Telephone number

August 18, 2006
Date

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

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. 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, 1.14 and 41.6. 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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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Art Unit	2614
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	August 18, 2006	Reg. No.	56,826

CERTIFICATE OF TRANSMISSION/MAILING

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

Signature			
Typed or printed name	Yvette L. Chriscaden	Date	August 18, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 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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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	500

Complete if Known	
Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Examiner Name	Hashem, Lisa
Art Unit	2614
Attorney Docket No.	109909-129591

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 500393 Deposit Account Name: Schwabe, Williamson et al

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = _____ x _____ = _____ Fee Paid ($)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = _____ x _____ = _____ Fee Paid ($)

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ - 100 = _____ Extra Sheets _____ / 50 = _____ Number of each additional 50 or fraction thereof (round up to a whole number) x _____ Fee ($) = _____ Fee Paid ($)

4. OTHER FEE(S) Fees Paid ($)

Non-English Specification, $130 fee (no small entity discount) _____

Other (e.g., late filing surcharge): Notice of Appeal 500

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 56,826	Telephone 503-222-9981
Name (Print/Type)	Robert C. Peck		Date August 18, 2006

This collection of information is required by 37 CFR 1.136. 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, 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.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 06/28/2006

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 06/28/2006

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

PTO-90C (Rev. 10/03)

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/143,342	Applicant(s) ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2614	

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

THE REPLY FILED 07 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. 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. 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.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

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

NOTICE OF APPEAL

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

AMENDMENTS

3. ☒ The proposed amendment(s) 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 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,2,4,6-11,13,15,16 and 19*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a 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 a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Lisa Hashem

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claim 1, Treyz in view of Leeke still disclose the claimed invention. Treyz lacks stopping playing of content by the cellular device and playing at least one of the determined advertisements. That is why this is a 103(a) rejection.

Examiner points out that the claimed limitation was presented as follows: '...if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing; and when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred...'. The content in the limitation 'recording content while the at least one determined advertisement is playing' does not reference back to the limitation 'stopping playing of content by the cellular device'. The content in the limitation 'resuming the playing of content' does not reference back to the limitation 'stopping playing of content by the cellular device'.

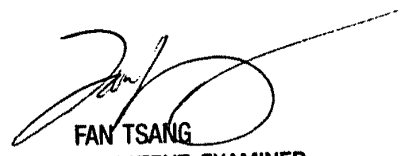
Leeke clearly discloses stopping playing of content, playing the at least one determined advertisement at a determined time, and when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred. This content can be the same content that was originally playing or different content (Fig. 59; col. 49, lines 11-36; col. 49, lines 43-45), based on the language of the claimed limitations.

Leeke also discloses recording of an event or content (col. 16, line 43 - col. 17, line 3). Wherein an event will play at a specified time interval and the user has an option of recording that event. It would be obvious to one of ordinary skill in the art that while recording an event at a predetermined time on a cellular device, an advertisement can be interleaved in the event or content at a predetermined time (e.g. Insertion point) on the cellular device.

Applicant mentions '...the present invention, as claimed in claim 1, teaches a method of playing contents to a user in their temporal order...', yet this limitation/language (temporal order) is not presented in claim 1. Applicant also mentions that '...the method involves recording the contents while the advertisement is playing and resuming the playing of the contents from the point in time when the determined advertisement first interrupted, once the determined advertisement completes playing...', yet claim 1 does not recite 'recording the contents' and 'resuming the playing of the contents'.

It is clear in Fig. 59, that an insertion point causes second media content to play and first media content is stopped from playing. The first media content will resume when the second media content finishes as shown in the element 1700 that is after elements 1720 and 1710.

Claims 4 and 13 have been amended and presented in a new way that would require further consideration.



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Ex.1002
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UNITED STATES PATENT AND TRADEMARK OFFICE
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Bib Data Sheet

CONFIRMATION NO. 2073

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/143,342	05/10/2002 RULE	455	2681	41051.P034

APPLICANTS
G. Eric Engstrom, Kirkland, WA;

** CONTINUING DATA ********** LH
THIS APPLN CLAIMS BENEFIT OF 60/290,592 05/11/2001

** FOREIGN APPLICATIONS ********** None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/11/2002

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☒ no	WA	9	20	4

35 USC 119 (a-d) conditions met: ☐ yes ☒ no ☐ Met after Allowance
Verified and Acknowledged: Lisa Hashem LH
Examiner's Signature / Initials

ADDRESS
000025943

TITLE
Method and system for inserting advertisements into broadcast content

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PAGE 1/11 * RCVD AT 6/7/2006 7:02:57 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/22 * DNIS:2738300 * CSID:2062920460 * DURATION (mm-ss):03-04

PTO/SB/21 (09-04)
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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Art Unit	2614
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

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ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☑ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	June 7, 2006	Reg. No.	56,826

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Attorney Reference: 109909-129591 *Patent*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

G. Eric Engstrom

Application No.: 10/143,342

Confirmation No.: 2073

Filed: May 10, 2002

For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Examiner: Hashem, Lisa

Art Unit: 2614

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RESPONSE TO OFFICE ACTION

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This paper is submitted in response to the final Office Action mailed May 18, 2006. The shortened period for response extends to August 18, 2006. Claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in the application. Claims 1-2, 4, 6-11, 13, 15-16, and 19 have been rejected by the Examiner. Consideration of the above-captioned application in view of the amendments and remarks to follow is respectfully requested.

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

Remarks begin on page 6 of this paper.

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AMENDMENTS TO THE CLAIMS

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

1. (Previously Presented) A method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

2. (Previously Presented) The method of Claim 1, wherein the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

3. (Cancelled)

4. (Currently Amended) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to ~~their~~ the playing of the at least one determined advertisement; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

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6. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream of content.

7. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Previously Presented) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

11. (Previously Presented) The cellular device of Claim 10, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

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12. (Cancelled)

13. (Currently Amended) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to ~~the~~ playing of the at least one determined advertisement; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Previously Presented) A client for playing content and advertisements on cellular devices, comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server;

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(c) if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

16. (Previously Presented) The client of Claim 15, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

17. (Cancelled)

18. (Cancelled)

19. (Previously Presented) A server for providing content and advertisements to cellular devices, comprising:

logic adapted to cause actions to be performed, the actions including

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(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device; and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

20. (Cancelled)

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Remarks

Reconsideration of the application is respectfully requested.

Claims 1-2, 4, 6-11, 13, 15-16, and 19 have been rejected by the Examiner. In response to the Examiner's objections to claims 4 and 13, corrective amendments presenting the claims in better form for consideration on appeal are offered for both claims. Accordingly, claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in the application.

Applicant appreciatively acknowledges the Examiner's consideration in "Response to Arguments," item 5 on page 12, of the Applicant's arguments filed February 23, 2006.

Offer of Amendment

In item 1, page 2 of the final Office Action, the Examiner objects to claims 4 and 13 because of informalities. To correct the informalities and place the claims in condition of allowance or present the claims in better form for consideration on appeal, Applicant offers amendments to claims 4 and 13. No new matter is introduced, and no new search is required, as the amendments are simply to correct informalities.

Rejection under 35 U.S.C. § 103

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 stand rejected under 35 USC § 103(a), as being unpatentable over U.S. Patent No. 6,526,335 to *Treyz et al.* (hereinafter "Treyz"), in further view of U.S. Patent No. 6,587,127 to *Leeke et al.* (hereinafter "Leeke"). Applicant respectfully traverses.

Claim 1 recites a "method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred."

Accordingly, the present invention, as claimed in claim 1, teaches a method of playing contents to a user in their temporal order, despite interruption by a determined advertisement. As claimed in claim 1, the method involves recording the contents while the advertisement is playing and resuming the playing of the contents from the point in time when the determined advertisement first interrupted, once the determined advertisement completes playing.

In contrast, the combination of Treyz and Leeke fails to teach or suggest a method of playing contents to a user in their temporal order, despite interruption by a determined advertisement. Treyz simply teaches the employment of an automobile personal computer to stop playing of a passive stream of audio content in response to user selection of an Internet link, initiating another stream of audio content. No mention or suggestion is made by Treyz of recording the interrupted first passive stream of audio contents and resuming the playing of the interrupted first passive stream of audio contents, much less resuming the playing from the point in time of interruption, as is claimed by claim 1.

Leeke does not remedy the deficiencies of Treyz. Leeke discloses a method of playing content and advertisements on a client device, including the employment of the client device to stop playing content and to instead play the determined advertisement upon reaching an assertion point (i.e., at the beginning of a commercial, replacing the commercial with the determined advertisement), and to resume playing of the content

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(for example, at the end of the commercial). Additionally, the client device of Leeke allows its user to record the contents. Again, no mention or suggestion is made of recording the interrupted contents and resuming the playing of the contents from the point in time of interruption, as is claimed by claim 1 (in Leeke, the contents resume playing at the end of the commercial, not the beginning when the determined advertisement interrupted). At best, Leeke suggests recording the contents while the determined advertisement plays so that the user can listen to the interrupted contents at some later time, out of temporal order.

Thus, the combination of Treyz and Leeke fails to suggest a method of playing contents to a user in their temporal order, despite interruption by a determined advertisement. Accordingly, claim 1 is patentable over Treyz and Leeke, alone or in combination.

Claims 10, 15, and 19 include similar limitations to claim 1. Accordingly, for at least the same reasons, claims 10, 15, and 19 are patentable over Treyz and Leeke, alone or in combination.

Furthermore, claims 2, 4, 6-9, 11, 13, and 16 depend from independent claims 1, 10, 15, and 19, respectively, incorporating their limitations. Therefore, for at least the same reasons, claims 2, 4, 6-9, 11, 13, and 16 are patentable over Treyz and Leeke, alone or in combination.

Conclusion

In view of the foregoing, claims 1-2, 4, 6-11, 13, 15-16, and 19 are believed to be in condition for allowance. Early issuance of a Notice of Allowance is earnestly solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: June 7, 2006 by:

Robert C. Peck
Reg. No.: 56,826

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PAGE 11/11 * RCVD AT 6/7/2006 7:02:57 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/22 * DNIS:2738300 * CSID:2062920460 * DURATION (mm-ss):03-04

PTO/SB/06 (08-03)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 10/143,312

CLAIMS 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))				$____	OR		$____
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	*	X $____ =		OR	X $____ =	
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	*	X $____ =		OR	X $____ =	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))			+ $____ =		OR	+ $____ =	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		OR	TOTAL	

CLAIMS AS AMENDED – PART II

6706

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE	SMALL ENTITY ADDITIONAL FEE	OR	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY ADDITIONAL FEE
Total (37 CFR 1.16(c))	* 13	Minus	** 20	=	X $____ =		OR	X $____ =	
Independent (37 CFR 1.16(b))	* 4	Minus	*** 4	=	X $____ =		OR	X $____ =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $____ =		OR	+ $____ =	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE	SMALL ENTITY ADDITIONAL FEE	OR	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY ADDITIONAL FEE
Total (37 CFR 1.16(c))	*	Minus	**	=	X $____ =		OR	X $____ =	
Independent (37 CFR 1.16(b))	*	Minus	***	=	X $____ =		OR	X $____ =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $____ =		OR	+ $____ =	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE	SMALL ENTITY ADDITIONAL FEE	OR	OTHER THAN SMALL ENTITY RATE	OTHER THAN SMALL ENTITY ADDITIONAL FEE
Total (37 CFR 1.16(c))	*	Minus	**	=	X $____ =		OR	X $____ =	
Independent (37 CFR 1.16(b))	*	Minus	***	=	X $____ =		OR	X $____ =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))					+ $____ =		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 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.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number: 10143342 (1105 P034)

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	4 minus 3 =	* 1
MULTIPLE DEPENDENT CLAIM PRESENT		☐

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

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	—
X42=		OR	X84=	84
+140=		OR	+280=	—
TOTAL		OR	TOTAL	824

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 19	Minus	** 20	=
Independent	* 4	Minus	*** 4	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RCE filed 10/24/05

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 13	Minus	** 20	= 0
Independent	* 4	Minus	*** 4	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 13	Minus	** 20	=
Independent	* 4	Minus	*** 4	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

FORM PTO-875 (Rev. 8/01) — Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 05/18/2006

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EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 05/18/2006

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

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *28 February 2006*.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-11,13,15,16 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4, 6-11, 13, 15, 16, and 19* is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

FINAL DETAILED ACTION

Claim Objections

1. Claims 4 and 13 are objected to because of the following informalities: It is not clear what the term 'their' refers to. Examiner assumes 'their' should be 'the'. Appropriate correction is required.

Claim Rejections - 35 USC § 103

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

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

3. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,526,335 by Treyz et al, hereinafter Treyz, in further view of U.S. Patent No. 6,587,127 by Leeke et al, hereinafter Leeke.

Regarding claim 1, Treyz discloses a method for playing content and advertisements on cellular devices (col. 3, lines 20-25; col. 4, lines 1-7), comprising:

(a) employing a cellular device (Fig. 1: 14; e.g. automobile personal computer) to autonomously provide information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of the cellular device (col. 85, lines 20-48);

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 85, line 49 – col. 86, line 10); and

(c) stopping playing of content by the cellular device and playing at least one of the determined advertisements (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements.

Leeke discloses a method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device (Fig. 1: 104, 106; col. 4, lines 13-24) to provide information associated with a user of the cellular device (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49);

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 7, lines 11-16; col. 48, lines 15-24);

(c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content by the cellular device (Fig. 59, 1700: First Media Content) and playing at least one of the determined advertisements (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36), the playing of the at least one determined advertisement comprising:

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Treyz to include if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Regarding claim 2, the method of Claim 1, wherein Treyz further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 4, the method of Claim 1, wherein Leeke further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing (col. 49, lines 11-36; Fig. 1, 132); and

(b) recording at least one of the at least one determined advertisement on the cellular device (e.g. in Fig. 1, 132) for play back when the determined time interval occurs (col. 49, lines 11-36).

Regarding claim 5, the method of Claim 1, wherein Leeke further discloses: (a) employing the at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement advertisement(s) on the cellular device instead of the advertisement associated with

the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 6, the method of Claim 1, wherein Treyz further discloses employing the cellular device to receive a stream of content (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Regarding claim 7, the method of Claim 1, wherein Treyz further discloses receiving a broadcast of content for playing on the cellular device (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Regarding claim 8, the method of Claim 1, wherein Treyz further discloses employing the cellular device to receive a stream for the at least one determined advertisement (col. 88, lines 30-38).

Regarding claim 9, the method of Claim 1, wherein Treyz further discloses receiving a broadcast of the at least one determined advertisement for playing on the cellular device (col. 88, lines 30-38).

Regarding claim 10, Treyz discloses a cellular device (Fig. 1: 14; e.g. automobile personal computer), comprising:

(a) a memory for storing logical instructions (Fig. 3, 86);

(b) a wireless interface unit for sending and receiving data (Fig. 3, 132); and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (Fig. 3, 72), including:

(i) autonomously providing information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of the cellular device (Fig. 1: 14; e.g. automobile personal computer) (col. 85, lines 20-48);

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined by the provided information based at least in part on the provided information (col. 85, line 49 – col. 86, line 10); and

(iii) stopping playing of content, and playing the at least one determined advertisement (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement.

Leeke discloses a cellular device (Fig. 1: 104, 106; col. 4, lines 13-24; col. 48, line 55 - col. 49, line 56), comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, lines 31-49), including:

(i) providing information associated with a user of the cellular device (col. 4, lines 13-24);

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined by the provided information (col. 48, lines 15-24) based at least in part on the provided information;

(iii) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content (Fig. 59, 1700: First Media Content), and playing the at least one determined advertisement (Fig. 59, 1720: Second Media Content) comprising:
when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the cellular device of Treyz to include if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Regarding claim 11, the cellular device of Claim 10, wherein Treyz further discloses the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the

cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 13, the cellular device of Claim 10, wherein Leeke further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing (col. 49, lines 11-36; Fig. 1, 132); and

(b) recording the at least one determined advertisement on the cellular device (e.g. in Fig. 1, 132) for play back if the determined interval occurs (col. 49, lines 11-36).

Regarding claim 15, Treyz discloses a client for playing content and advertisements on cellular devices (col. 3, lines 20-25; col. 4, lines 1-7; col. 13, lines 44-51), comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of a cellular device (Fig. 1: 14; e.g. automobile personal computer) to a server (Fig. 1, 30) (col. 85, lines 20-48);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 85, line 49 – col. 86, line 10);

(c) stopping playing of content on the cellular device and playing the at least one determined advertisement (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement.

Leeke discloses a client (col. 4, lines 24-30) for playing content and advertisements on cellular devices (Fig. 1: 104, 106; col. 4, lines 13-24), comprising: logic adapted to cause actions to be performed, the actions including

(a) providing information associated with a user of a cellular device to a server (Fig. 1, 102) (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 48, lines 15-24; col. 48, line 55 - col. 49, line 56);

(c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content on the cellular device (Fig. 59, 1700: First Media Content) and playing the at least one determined advertisement (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36) comprising: when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the client of Treyz to include if a determined time interval occurs, stopping

playing of content on the cellular device and playing the at least one determined advertisement as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Regarding claim 16, the client of claim 15, wherein Treyz further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 19, Treyz discloses a server (Fig. 1, 30) for providing content and advertisements (col. 3, lines 20-25; col. 4, lines 1-7) to cellular devices, comprising: logic adapted to cause actions to be performed, the actions including

(a) receiving information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of a cellular device (Fig. 1: 14; e.g. automobile personal computer) from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device; and

(c) providing the at least one determined advertisement to the cellular device (col. 85, line 49 – col. 86, line 10).

Treyz does not disclose wherein if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device.

Leeke discloses a server (Fig. 1, 102) for providing content and advertisements (col. 5, lines 1-6; col. 48, line 55 - col. 49, line 56) to cellular devices (Fig. 1: 104, 106; col. 4, lines 13-24), comprising: logic adapted to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device;

(b) employing the received information to determine at least one advertisement to be played on the cellular device (col. 48, lines 15-24); and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs (Fig. 59, 1720: Insertion Point), playing of content by the cellular device is stopped (Fig. 59, 1700: First Media Content) and the at least one determined advertisement is played on the cellular device (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36), the playing of the at lest one determined advertisement comprising: when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the

content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the server of Treyz to include if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Response to Arguments

4. Applicant's arguments filed 2-28-2006 have been fully considered but they are not persuasive.

5. Applicant argues that Leeke does not teach 'resuming the playing of content from where the stopping of the playing of the content occurred' and that Treyz does not teach 'an interruption that automatically occurs at a determined time interval'. Examiner disagrees. Leeke clearly discloses in col. 48, line 55 – col. 49, line 56, that a determined advertisement (Fig. 59, 1710) is inserted in a first media content (Fig. 59, 1700). The advertisement can be 20-30 seconds long and is inserted or interleaved in the first media content, therefore the first media content continues to play when the advertisement has stopped. In conclusion, Leeke clearly discloses the claimed limitation.

Claims 1, 10, 15, and 19 do not recite 'an interruption that *automatically* occurs at a

determined time interval' as noted in Applicant's remarks. Treyz clearly discloses an interactive advertisement can interrupt or preempt audio content while the audio content is playing. As noted in the non-final office action filed on 1-3-2006, Treyz does not disclose if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements. That is why the rejections of all claims are a 103(a) rejection of Treyz in view of Leeke. In conclusion, Treyz in view of Leeke disclose the claimed limitations.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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

- U.S. Patent Application Publication No. 2001/0037420 by Marks et al disclose the interruption of broadcast content by urgent or time sensitive messages delivered by means of a wireless network

8. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. 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).

LH

lh
May 12, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,526,335	02-2003	Treyz et al.	701/1
*	B	US-6,587,127	07-2003	Leeke et al.	715/765
*	C	US-2001/0037240	11-2001	Marks et al.	705/14
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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	P					
	Q					
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	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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Bib Data Sheet

CONFIRMATION NO. 2073

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/143,342	05/10/2002 RULE	455	2681	41051.P034

APPLICANTS

G. Eric Engstrom, Kirkland, WA;

** CONTINUING DATA ********** LH

THIS APPLN CLAIMS BENEFIT OF 60/290,592 05/11/2001

** FOREIGN APPLICATIONS ********** None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/11/2002

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☒ no	WA	9	20	4

35 USC 119 (a-d) conditions met: ☐ yes ☒ no ☐ Met after Allowance

Verified and Acknowledged: Examiner's Signature Initials

ADDRESS

000025943

TITLE

Method and system for inserting advertisements into broadcast content

FILING FEE RECEIVED	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
824		

Index of Claims

Application No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2614	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
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Claim		Date								
Final	Original	5/12/06								
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Search Notes	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2614	

SEARCHED			
Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: advertisements in broadcast; recording content; wireless/mobile/portable device	12/19/2005	LH
Updated East Search Attached: Keywords: advertisement/commercial; mobile/wireless/cellular; interrupt/stop/resume;	5/12/2006	LH

Updated 10/143342

EAST Search History

LH 5-12-06

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2690332	(advertis$5 ad$2 commerical$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:13
L3	616872	l1 and (mobile wireless portable radio cordless cell$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:10
L6	6399	l3 and ((interrupt$3 stop$4) near3 (broadcast$3 news radio show music))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:13
L7	772	l6 and ((time interval length) near3 (advertis$5 ad$2 commerical$1))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:14
L8	170	l7 and ((resume continu$3) near3 (content radio news broadcast$3 music show))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:15
L9	160	l8 and (location behavior preference$1 demographic$1 profile$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:16
L10	7	l9 and ("455"/$.ccls.)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2006/05/12 18:16

OIPE IAP100 FEB 28 2006 PATENT & TRADEMARK OFFICE

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PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Art Unit	2645
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	February 23, 2006	Reg. No.	56,826

CERTIFICATE OF TRANSMISSION/MAILING

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

Signature			
Typed or printed name	Yvette L. Chriscaden	Date	February 23, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 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.

OIPE IAP100 FEB 28 2006 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

G. Eric Engstrom

Application No.: 10/143,342

Filed: May 10, 2002

For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Examiner: Hashem, Lisa

Art Unit: 2645

I hereby certify that this correspondence is being deposited with the United States Postal Service as **First Class Mail** in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on this date:

February 23, 2006
DATE

Yvette L. Chriscaden
TYPED OR PRINTED NAME

SIGNATURE

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This paper is submitted in response to the Office Action mailed January 3, 2006. The shortened period for response extends to April 3, 2006. Claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in the application. Claims 1-2, 4, 6-11, 13, 15-16, and 19 have been rejected by the Examiner. Consideration of the above-captioned application in view of the amendments and comments to follow is respectfully requested.

Listing of the Claims begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

LISTING OF THE CLAIMS

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

1. (Previously Presented) A method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

2. (Previously Presented) The method of Claim 1, wherein the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

3. (Cancelled)

4. (Previously Presented) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to their playing; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

6. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream of content.

7. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Previously Presented) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

11. (Previously Presented) The cellular device of Claim 10, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

12. (Cancelled)

13. (Previously Presented) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to their playing; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Previously Presented) A client for playing content and advertisements on cellular devices, comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server;

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(c) if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

16. (Previously Presented) The client of Claim 15, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

17. (Cancelled)

18. (Cancelled)

19. (Previously Presented) A server for providing content and advertisements to cellular devices, comprising:

logic adapted to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device; and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

20. (Cancelled)

Remarks

Reconsideration of the application is respectfully requested.

Claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in the application. Claims 1-2, 4, 6-11, 13, 15-16, and 19 have been rejected by the Examiner.

Applicant appreciatively acknowledges the Examiner's consideration in "Response to Arguments," item 4 on page 12, of the Applicant's Amendment and Response in support of Request for Continued Examination, filed October 20, 2005.

I. Rejection under 35 U.S.C. § 103

Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 stand rejected under 35 USC § 103(a), as being unpatentable over U.S. Patent No. 6,526,335 to *Treyz et al.* (hereinafter "Treyz"), in further view of U.S. Patent No. 6,587,127 to *Leeke et al.* (hereinafter "Leeke"). Applicant respectfully traverses.

Claim 1 recites a "method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred."

In contrast, Leeke simply teaches stopping the playing of a first stream of content at a determined time, playing a second stream of content, and after playing the second stream of content, resuming play of the first stream of content. Nowhere in Leeke does one find, expressly or inherently, "resuming the playing of content from where the stopping of the playing of the content occurred." Rather, Leeke teaches replacing a song of the first stream of content with a song comprising the second stream of content (col. 49, lines 45-51). Thus, where the song of the first stream of content is replaced (and not recorded), "resuming the playing of content from where the stopping of the playing of the content occurred" would not be possible.

Also, the Examiner argues that Leeke discloses the optional recording of content by a user, and argues that such optional recording is similar to "recording content while the at least one determined advertisement is playing." Even assuming that a user recording the replaced song of the first stream of content is somehow disclosed by the cited optional recording (a point which Applicant does not concede), Leeke nonetheless fails to teach "resuming the playing of content from where the stopping of the playing of the content occurred." The recorded, replaced song in Leeke could only be listened to later, not in its proper place in the stream of content. Thus, the recording taught by Leeke is not the sort that facilitates resuming of play from where the stopping of play occurred, as is claimed in claim 1.

Treyz fails to remedy the deficiencies of Leeke. Treyz teaches the interruption of audio content play initiated by a user of the invention who initiates the interruption by selecting a hyperlink. In contrast, the present invention as claimed in claim 1 recites an interruption that automatically occurs at a determined time interval.

Accordingly, claim 1 is patentable over Treyz and Leeke, alone or in combination.

Claims 10, 15, and 19 include similar limitations to claim 1. Accordingly, for at least the same reasons, claims 10, 15, and 19 are patentable over Treyz and Leeke, alone or in combination.

Furthermore, claims 2, 4, 6-9, 11, 13, and 16 depend from independent claims 1, 10, 15, and 19, respectively, incorporating their limitations. Therefore, for at least the same reasons, claims 2, 4, 6-9, 11, 13, and 16 are patentable over Treyz and Leeke, alone or in combination.

II. Conclusion

In view of the foregoing, claims 1-2, 4, 6-11, 13, 15-16, and 19 are believed to be in condition for allowance. Early issuance of a Notice of Allowance is earnestly solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: February 23, 2006 by: _____
Robert C. Peck
Reg. No.: 56,826

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 01/03/2006

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/03/2006

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

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2645	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *24 October 2005*.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-11,13,15,16 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4, 6-11, 13, 15, 16, and 19* is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

DETAILED ACTION

Claim Objections

1. Claims 4 and 13 are objected to because of the following informalities: It is not clear what the term 'their' refers to. Examiner assumes 'their' should be 'the'. Appropriate correction is required.

Claim Rejections - 35 USC § 103

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

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

3. Claims 1, 2, 4, 6-11, 13, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,526,335 by Treyz et al, hereinafter Treyz, in further view of U.S. Patent No. 6,587,127 by Leeke et al, hereinafter Leeke.

Regarding claim 1, Treyz discloses a method for playing content and advertisements on cellular devices (col. 3, lines 20-25; col. 4, lines 1-7), comprising:

(a) employing a cellular device (Fig. 1: 14; e.g. automobile personal computer) to autonomously provide information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of the cellular device (col. 85, lines 20-48);

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 85, line 49 – col. 86, line 10); and

(c) stopping playing of content by the cellular device and playing at least one of the determined advertisements (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements.

Leeke discloses a method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device (Fig. 1: 104, 106; col. 4, lines 13-24) to provide information associated with a user of the cellular device (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49);

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 7, lines 11-16; col. 48, lines 15-24);

(c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content by the cellular device (Fig. 59, 1700: First Media Content) and playing at least one of the determined advertisements (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36), the playing of the at least one determined advertisement comprising:

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Treyz to include if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Regarding claim 2, the method of Claim 1, wherein Treyz further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 4, the method of Claim 1, wherein Leeke further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing (col. 49, lines 11-36; Fig. 1, 132); and

(b) recording at least one of the at least one determined advertisement on the cellular device (e.g. in Fig. 1, 132) for play back when the determined time interval occurs (col. 49, lines 11-36).

Regarding claim 5, the method of Claim 1, wherein Leeke further discloses: (a) employing the at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement advertisement(s) on the cellular device instead of the advertisement associated with

the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 6, the method of Claim 1, wherein Treyz further discloses employing the cellular device to receive a stream of content (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Regarding claim 7, the method of Claim 1, wherein Treyz further discloses receiving a broadcast of content for playing on the cellular device (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Regarding claim 8, the method of Claim 1, wherein Treyz further discloses employing the cellular device to receive a stream for the at least one determined advertisement (col. 88, lines 30-38).

Regarding claim 9, the method of Claim 1, wherein Treyz further discloses receiving a broadcast of the at least one determined advertisement for playing on the cellular device (col. 88, lines 30-38).

Regarding claim 10, Treyz discloses a cellular device (Fig. 1: 14; e.g. automobile personal computer), comprising:

(a) a memory for storing logical instructions (Fig. 3, 86);

(b) a wireless interface unit for sending and receiving data (Fig. 3, 132); and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (Fig. 3, 72), including:

(i) autonomously providing information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of the cellular device (Fig. 1: 14; e.g. automobile personal computer) (col. 85, lines 20-48);

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined by the provided information based at least in part on the provided information (col. 85, line 49 – col. 86, line 10); and

(iii) stopping playing of content, and playing the at least one determined advertisement (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement.

Leeke discloses a cellular device (Fig. 1: 104, 106; col. 4, lines 13-24; col. 48, line 55 - col. 49, line 56), comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, lines 31-49), including:

(i) providing information associated with a user of the cellular device (col. 4, lines 13-24);

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined by the provided information (col. 48, lines 15-24) based at least in part on the provided information;

(iii) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content (Fig. 59, 1700: First Media Content), and playing the at least one determined advertisement (Fig. 59, 1720: Second Media Content) comprising:
when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the cellular device of Treyz to include if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Regarding claim 11, the cellular device of Claim 10, wherein Treyz further discloses the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the

cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 13, the cellular device of Claim 10, wherein Leeke further discloses the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to the playing (col. 49, lines 11-36; Fig. 1, 132); and

(b) recording the at least one determined advertisement on the cellular device (e.g. in Fig. 1, 132) for play back if the determined interval occurs (col. 49, lines 11-36).

Regarding claim 15, Treyz discloses a client for playing content and advertisements on cellular devices (col. 3, lines 20-25; col. 4, lines 1-7; col. 13, lines 44-51), comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of a cellular device (Fig. 1: 14; e.g. automobile personal computer) to a server (Fig. 1, 30) (col. 85, lines 20-48);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 85, line 49 – col. 86, line 10);

(c) stopping playing of content on the cellular device and playing the at least one determined advertisement (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement.

Leeke discloses a client (col. 4, lines 24-30) for playing content and advertisements on cellular devices (Fig. 1: 104, 106; col. 4, lines 13-24), comprising: logic adapted to cause actions to be performed, the actions including

(a) providing information associated with a user of a cellular device to a server (Fig. 1, 102) (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 48, lines 15-24; col. 48, line 55 - col. 49, line 56);

(c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content on the cellular device (Fig. 59, 1700: First Media Content) and playing the at least one determined advertisement (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36) comprising: when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the client of Treyz to include if a determined time interval occurs, stopping

playing of content on the cellular device and playing the at least one determined advertisement as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Regarding claim 16, the client of claim 15, wherein Treyz further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 19, Treyz discloses a server (Fig. 1, 30) for providing content and advertisements (col. 3, lines 20-25; col. 4, lines 1-7) to cellular devices, comprising: logic adapted to cause actions to be performed, the actions including

(a) receiving information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of a cellular device (Fig. 1: 14; e.g. automobile personal computer) from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device; and

(c) providing the at least one determined advertisement to the cellular device (col. 85, line 49 – col. 86, line 10).

Treyz does not disclose wherein if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device.

Leeke discloses a server (Fig. 1, 102) for providing content and advertisements (col. 5, lines 1-6; col. 48, line 55 - col. 49, line 56) to cellular devices (Fig. 1: 104, 106; col. 4, lines 13-24), comprising: logic adapted to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device;

(b) employing the received information to determine at least one advertisement to be played on the cellular device (col. 48, lines 15-24); and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs (Fig. 59, 1720: Insertion Point), playing of content by the cellular device is stopped (Fig. 59, 1700: First Media Content) and the at least one determined advertisement is played on the cellular device (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36), the playing of the at lest one determined advertisement comprising: when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Leeke does not disclose the playing of the at least one determined advertisement comprising: recording content while the at least one determined advertisement is playing, however, Leeke does disclose the user of the cellular device has the option to record a playing of event (e.g. content) to be recorded for playback and since the advertisement is interleaved in the

content, content (e.g. audio content of the advertisement) will be recorded while the advertisement is playing (col. 16, line 43 – col. 17, line 3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the server of Treyz to include if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement targeted for a user based on provided information at a scheduled time during playing of content, wherein the determined advertisement is recorded on the cellular device for later playback.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4, 6-11, 13, 15, 16, and 19 have been considered but are moot in view of the new ground(s) of rejection.

5. Accordingly, this action is **NON-FINAL**.

Conclusion

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

- U.S. Patent No. 6,950,623 by Brown et al discloses employing information related to a user of a computer to determine at least one advertisement to be played on the computer (col. 3, lines 21-51) and recording content (e.g. buffering broadcast stream) while the advertisement is playing and when the playing of the advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (col. 8, line 24 – col. 9, line 12)

7. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. 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).

LH
lh
December 19, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2645	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,526,335	02-2003	Treyz et al.	701/1
*	B	US-6,587,127	07-2003	Leeke et al.	715/765
*	C	US-6,950,623	09-2005	Brown et al.	455/3.01
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bib Data Sheet

CONFIRMATION NO. 2073

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/143,342	05/10/2002 RULE	455	2681	41051.P034

APPLICANTS

G. Eric Engstrom, Kirkland, WA;

** CONTINUING DATA ********** LH

THIS APPLN CLAIMS BENEFIT OF 60/290,592 05/11/2001

** FOREIGN APPLICATIONS ********** None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/11/2002

Foreign Priority claimed	35 USC 119 (a-d) conditions met	Verified and Acknowledged	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☒ no	☐ yes ☒ no ☐ Met after Allowance	Lisa Tashbon LH Examiner's Signature Initials	WA	9	20	4

ADDRESS
000025943

TITLE
Method and system for inserting advertisements into broadcast content

FILING FEE RECEIVED	FEES: Authority has been given in Paper	
824	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 No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2645	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	12/18/05
	1	√
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Search Notes	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2645	

SEARCHED			
Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: advertisements in broadcast; recording content; wireless/mobile/portable device	12/19/2005	LH

10/143342 12-19-05 East Search

LH

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	17396	"455"/$.ccls. and (record$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:16
L2	4094	l1 and (advertisement ad commercial)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:17
L3	3575	l2 and (broadcast$3 radio)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:18
L4	114	l3 and (play$3 near5 (content))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:18
L5	56	l4 and (record$3 near5 (content))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:18
S33	400	(record$3 near5 (ad advertise$4 commerical)) with (play$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/18 19:18
S34	136	S33 and (wireless mobile portable cell$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/18 19:18
S35	66	S34 and (stream$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/18 19:20

S38	37	S34 and (stream$3 near5 audio)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/18 19:27

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	7	"6587127".uref.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:50
L2	5	l1 and (record$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:50
L3	15	"6526335".uref.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:50
L4	5	l3 and (record$3)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/12/19 15:50

OIPE IAP88 OCT 24 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

G. Eric Engstrom

Application No.: 10/143,342

Filed: May 10, 2002

For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Examiner: Hashem, Lisa

Art Unit: 2645

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October 20, 2005
DATE

Yvette L. Chriscaden
TYPED OR PRINTED NAME

SIGNATURE

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

AMENDMENT AND RESPONSE TO OFFICE ACTION IN SUPPORT OF REQUEST FOR CONTINUATION EXAMINATION

To The Commissioner for Patents:

INTRODUCTORY COMMENTS

This paper is submitted in response to the Final Office Action mailed September 22, 2005. The shortened period for response extends to December 22, 2005. Claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in the application. Claims 3, 5, 12, 14, 17, and 18 have been cancelled. Claims 1-19 have been rejected by the Examiner. Claims 1, 2, 4, 10, 13, 15, and 19 have been amended. Consideration of the above-captioned application in view of the amendments and comments to follow is respectfully requested.

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

Remarks begin on page 7 of this paper.

AMENDMENTS TO THE CLAIMS

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

1. (Currently Amended) A method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device to autonomously provide information associated with a user of the cellular device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular device;

(c) if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred; and

~~(d) resuming the playing of content by the cellular device when the playing of the at least one determined advertisement is completed~~.

2. (Currently Amended) The method of Claim 1, wherein the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

3. (Cancelled)

4. (Currently Amended) The method of Claim 1, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to their playing; and

(b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs.

5. (Cancelled)

6. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream of content.

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7. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of content for playing on the cellular device.

8. (Previously Presented) The method of Claim 1, further comprising employing the cellular device to receive a stream for the at least one determined advertisement.

9. (Previously Presented) The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular device.

10. (Currently Amended) A cellular device, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing information associated with a user of the cellular device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on the provided information;

(iii) if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred; and

~~(iv) resuming the playing of content when the playing of the at least one determined advertisement is completed~~.

11. (Previously Presented) The cellular device of Claim 10, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

12. (Cancelled)

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13. (Currently Amended) The cellular device of Claim 10, wherein the playing of at least one determined advertisement further comprises:

(a) providing the at least one determined advertisement to the cellular device prior to their playing; and

(b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs.

14. (Cancelled)

15. (Currently Amended) A client for playing content and advertisements on cellular devices, comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular device to a server;

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information;

(c) if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred~~; and~~

~~(d) resuming the playing of content on the cellular device when the playing of the at least one determined advertisement is completed~~.

16. (Previously Presented) The client of Claim 15, wherein the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device.

17. (Cancelled)

18. (Cancelled) ~~The client of Claim 15, wherein the actions further comprise:~~

~~(a) employing the at least one determined advertisement as replacement(s) for an advertisement associated with the content; and~~

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~~(b) playing the replacement advertisement(s) on the cellular device instead of the advertisement associated with the content.~~

19. (Currently Amended) A server for providing content and advertisements to cellular devices, comprising:

logic adapted to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device; and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, the playing of the at least one determined advertisement comprising:

recording content while the at least one determined advertisement is playing; and

when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred~~and when the playing of the at least one determined advertisement is completed, the playing of content by the cellular device is resumed~~.

20. (Cancelled)

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Remarks

Claims 1, 2, 4, 10, 13, 15, and 19 have been amended. Claims 3, 5, 12, 14, and 17-18 have been cancelled. No claims have been added. Claims 1-2, 4, 6-11, 13, 15-16, and 19 remain pending in this application.

I. Rejection under 35 U.S.C. § 103

Claims 1-19 stand rejected under 35 USC § 103(a), as being unpatentable over U.S. Patent No. 6,526,335 to *Treyz et al.* (hereinafter "Treyz"), in further view of U.S. Patent No. 6,587,127 to *Leeke et al.* (hereinafter "Leeke").

Rejections of claims 3, 5, 12, 14, and 17-18 have been rendered moot by their cancellation.

With respect to the remaining claims, Applicants have amended claims 1, 2, 4, 10, 13, 15, and 19 to overcome the Examiner's rejection.

Independent claims 1, 10, 15, and 19 have each been amended to require that the playing of the at least one determined advertisement comprise "recording content while the at least one determined advertisement is playing" and "when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred."

Leeke fails to teach or suggest these requirements. Leeke does not disclose or suggest the recording of content while the determined advertisement is played, and resuming the playing of the content upon completion of advertisement play. Rather, Leeke teaches the replacement of advertisements in the content with the at least one determined advertisement (column 48, lines 11-14). Thus, in Leeke, the user never hears the replaced content. The present invention, as claimed in claims 1, 10, 15, and 19, in contrast, teaches the recording of the interrupted content, which may be an advertisement, so that it can be played after the at least one determined advertisement. The user of the present invention, as claimed in claims 1, 10, 15, and 19, then, does not miss the content played while the determined advertisement interrupts transmission.

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Treyz fails to remedy the deficiencies of Leeke. Treyz teaches the interruption of audio content play initiated by a user of the invention who initiates the interruption by selecting a hyperlink. The present invention, as claimed in claims 1, 10, 15, and 19, in contrast, relies on no such user interaction. In fact, interruption in the present invention, as claimed in claims 1, 10, 15, and 19, automatically occurs at a determined time interval.

Accordingly, claims 1, 10, 15, and 19 are patentable over Treyz and Leeke under 35 USC § 103(a).

Furthermore, claims 2, 4, 6-9, 11, 13, and 16 depend from independent claims 1, 10, 15, and 19, respectively, incorporating their limitations. Therefore, for at least the same reasons, claims 2, 4, 6-9, 11, 13, and 16 are patentable under 35 USC § 103(a).

II. Conclusion

In view of the foregoing, claims 1-2, 4, 6-11, 13, 15-16, and 19 are believed to be in condition for allowance. Early issuance of a Notice of Allowance is earnestly solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 20, 2005 by: _____
Robert C. Peck
Reg. No.: 56,826

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981

OIPE IAP88 OCT 24 2005 PATENT & TRADEMARK OFFICE

RCE / IFW

PTO/SB/30 (09-04)
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Request for Continued Examination (RCE) Transmittal

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

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	Engstrom
Art Unit	2645
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. 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).

   a. ☐ 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.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☑ Enclosed

      i. ☑ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

   a. ☐ 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)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☑ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500393. I have enclosed a duplicate copy of this sheet.

      i. ☑ RCE fee required under 37 CFR 1.17(e)

      ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

   b. ☑ Check in the amount of $ 790 enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	October 20, 2005
Name (Print/Type)	Robert C. Peck	Registration No.	56,826

CERTIFICATE OF MAILING OR TRANSMISSION

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Signature			
Name (Print/Type)	Yvette L. Chrisoaden	Date	October 20, 2005

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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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10/25/2005 NNGUYEN1 00000122 10143342

01 FC:1801 790.00 OP

OIPE IAP88 OCT 24 2005 PATENT & TRADEMARK OFFICE

PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	Engstrom
Art Unit	2645
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  Request for Continued Examination
  Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	October 20, 2005	Reg. No.	56,826

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Yvette L. Chriscaden	Date	October 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 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.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number: 10/143342 (4951 P034)

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	4 minus 3 =	* 1
MULTIPLE DEPENDENT CLAIM PRESENT		☐

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

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	—
X42=		OR	X84=	84
+140=		OR	+280=	—
TOTAL		OR	TOTAL	824

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 19	Minus	** 20	=
Independent	* 4	Minus	*** 4	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RCE filed 10/24/05

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 13	Minus	** 20	= 0
Independent	* 4	Minus	*** 4	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 09/22/2005

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 09/22/2005

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

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2645	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *01 July 2005*.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 103

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

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

2. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,526,335 by Treyz et al, hereinafter Treyz, in further view of U.S. Patent No. 6,587,127 by Leeke et al, hereinafter Leeke.

Regarding claim 1, Treyz discloses a method for playing content and advertisements on cellular devices (col. 3, lines 20-25; col. 4, lines 1-7), comprising:

(a) employing a cellular device (Fig. 1: 14; e.g. automobile personal computer) to autonomously provide information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of the cellular device (col. 85, lines 20-48);

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 85, line 49 – col. 86, line 10); and

(c) stopping playing of content by the cellular device and playing at least one of the determined advertisements (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements and resuming the playing of content by the cellular device when the playing of the at least one determined advertisement is completed.

Leeke discloses a method for playing content and advertisements on cellular devices, comprising:

(a) employing a cellular device (Fig. 1: 104, 106; col. 4, lines 13-24) to provide information associated with a user of the cellular device (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49);

(b) employing the provided information to determine at least one advertisement to be played on the cellular device (col. 7, lines 11-16; col. 48, lines 15-24);

(c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content by the cellular device (Fig. 59, 1700: First Media Content) and playing at least one of the determined advertisements (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36); and

(d) resuming the playing of content by the cellular device when the playing of the at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Treyz to include if a determined time interval occurs, stopping playing of content by the cellular device and playing at least one of the determined advertisements and resuming the playing of content by the cellular device when the playing of the at least one determined advertisement is completed as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement at a determined time in a broadcasted content.

Regarding claim 2, the method of Claim 1, wherein Treyz further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data

of a user of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 3, the method of Claim 1, wherein Leeke further discloses the playing of at least one determined advertisement, comprises: (a) recording content while the at least one determined advertisement is playing (col. 16, lines 64-66), and (b) when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (see Fig. 59, 1700; col. 49, lines 51-56).

Regarding claim 4, the method of Claim 1, wherein Leeke further discloses the playing of at least one determined advertisement, comprises: (a) providing the at least one determined advertisement to the cellular device prior to their playing (col. 49, lines 11-36), and (b) recording at least one of the at least one determined advertisement on the cellular device for play back when the determined time interval occurs (col. 16, lines 64-66).

Regarding claim 5, the method of Claim 1, wherein Leeke further discloses: (a) employing the at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement advertisement(s) on the cellular device instead of the advertisement associated with the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 6, the method of Claim 1, wherein Treyz further discloses employing the cellular device to receive a stream of content (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Regarding claim 7, the method of Claim 1, wherein Treyz further discloses receiving a broadcast of content for playing on the cellular device (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Regarding claim 8, the method of Claim 1, wherein Treyz further discloses employing the cellular device to receive a stream for the at least one determined advertisement (col. 88, lines 30-38).

Regarding claim 9, the method of Claim 1, wherein Treyz further discloses receiving a broadcast of the at least one determined advertisement for playing on the cellular device (col. 88, lines 30-38).

Regarding claim 10, Treyz discloses a cellular device (Fig. 1: 14; e.g. automobile personal computer), comprising:

(a) a memory for storing logical instructions (Fig. 3, 86);

(b) a wireless interface unit for sending and receiving data (Fig. 3, 132); and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (Fig. 3, 72), including:

(i) autonomously providing information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of the cellular device (Fig. 1: 14; e.g. automobile personal computer) (col. 85, lines 20-48);

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined by the provided information based at least in part on the provided information (col. 85, line 49 – col. 86, line 10); and

(iii) stopping playing of content, and playing the at least one determined advertisement (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content, and playing the at least one determined advertisement and resuming the playing of content when the playing of the at least one determined advertisement is completed.

Leeke discloses a cellular device (Fig. 1: 104, 106; col. 4, lines 13-24; col. 48, line 55 - col. 49, line 56), comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, lines 31-49), including:

(i) providing information associated with a user of the cellular device (col. 4, lines 13-24);

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined by the provided information (col. 48, lines 15-24) based at least in part on the provided information;

(iii) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content (Fig. 59, 1700: First Media Content), and playing the at least one determined advertisement (Fig. 59, 1720: Second Media Content); and

(iv) resuming the playing of content when the playing of the at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the cellular device of Treyz to include if a determined time interval occurs,

stopping playing of content, and playing the at least one determined advertisement and resuming the playing of content when the playing of the at least one determined advertisement is completed as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement at a determined time in a broadcasted content.

Regarding claim 11, the cellular device of Claim 10, wherein Treyz further discloses the provided information comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 12, the cellular device of Claim 10, wherein Leeke further discloses the playing of at least one determined advertisement, comprises: (a) recording content while the at least one determined advertisement is playing (col. 16, lines 64-66), and (b) if the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred (see Fig. 59, 1700; col. 49, lines 51-56).

Regarding claim 13, the cellular device of Claim 10, wherein Leeke further discloses the playing of at least one determined advertisement, comprises: (a) providing the at least one determined advertisement to the cellular device prior to their playing (col. 49, lines 11-36); and (b) recording the at least one determined advertisement on the cellular device for play back if the determined interval occurs (col. 16, lines 64-66).

Regarding claim 14, the cellular device of Claim 10, wherein Leeke further discloses: (a) employing the at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the

replacement advertisement(s) on the cellular device instead of the advertisement associated with the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 15, Treyz discloses a client for playing content and advertisements on cellular devices (col. 3, lines 20-25; col. 4, lines 1-7; col. 13, lines 44-51), comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of a cellular device (Fig. 1: 14; e.g. automobile personal computer) to a server (Fig. 1, 30) (col. 85, lines 20-48);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 85, line 49 – col. 86, line 10);

(c) stopping playing of content on the cellular device and playing the at least one determined advertisement (col. 87, line 39 – col. 88, line 38; Figs. 114-121).

Treyz does not disclose if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement and resuming the playing of content on the cellular device when the playing of the at least one determined advertisement is completed.

Leeke discloses a client (col. 4, lines 24-30) for playing content and advertisements on cellular devices (Fig. 1: 104, 106; col. 4, lines 13-24), comprising:

logic adapted to cause actions to be performed, the actions including

(a) providing information associated with a user of a cellular device to a server (Fig. 1, 102) (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49);

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on the provided information (col. 48, lines 15-24; col. 48, line 55 - col. 49, line 56);

(c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping playing of content on the cellular device (Fig. 59, 1700: First Media Content) and playing the at least one determined advertisement (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36); and

(d) resuming the playing of content on the cellular device when the playing of the at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the client of Treyz to include if a determined time interval occurs, stopping playing of content on the cellular device and playing the at least one determined advertisement and resuming the playing of content on the cellular device when the playing of the at least one determined advertisement is completed as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement at a determined time in a broadcasted content.

Regarding claim 16, the client of claim 15, wherein Treyz further discloses the provided information further comprises one or more selected from the group consisting of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, a user behavior of the cellular device, and content played on the cellular device (col. 85, line 49 – col. 86, line 10; col. 87, line 39 – col. 88, line 38).

Regarding claim 17, the client of claim 15, wherein Leeke further discloses the playing of at least one determined advertisement, comprises: (a) recording content while the at least one determined advertisement is playing (col. 16, lines 64-66); and (b) if the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred (see Fig. 59, 1700; col. 49, lines 51-56).

Regarding claim 18, the client of claim 15, wherein Leeke further discloses the actions further comprise: (a) employing the at least one determined advertisement as replacement(s) (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement advertisement(s) on the cellular device instead of the advertisement associated with the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 19, Treyz discloses a server (Fig. 1, 30) for providing content and advertisements (col. 3, lines 20-25; col. 4, lines 1-7) to cellular devices, comprising: logic adapted to cause actions to be performed, the actions including

(a) receiving information (e.g. user's address, e-mail address, user's household, automobile-related data) associated with a user of a cellular device (Fig. 1: 14; e.g. automobile personal computer) from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular device; and

(c) providing the at least one determined advertisement to the cellular device (col. 85, line 49 – col. 86, line 10).

Treyz does not disclose wherein if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, and when the playing of the at least one determined advertisement is completed, the playing of content by the cellular device is resumed.

Leeke discloses a server (Fig. 1, 102) for providing content and advertisements (col. 5, lines 1-6; col. 48, line 55 - col. 49, line 56) to cellular devices (Fig. 1: 104, 106; col. 4, lines 13-24), comprising: logic adapted to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular device from the cellular device;

(b) employing the received information to determine at least one advertisement to be played on the cellular device (col. 48, lines 15-24); and

(c) providing the at least one determined advertisement to the cellular device, wherein if a determined time interval occurs (Fig. 59, 1720: Insertion Point), playing of content by the cellular device is stopped (Fig. 59, 1700: First Media Content) and the at least one determined advertisement is played on the cellular device (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36), and when the playing of the at least one determined advertisement is completed, the playing of content by the cellular device is resumed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the server of Treyz to include if a determined time interval occurs, playing of content by the cellular device is stopped and the at least one determined advertisement is played on the cellular device, and when the playing of the at least one determined advertisement

is completed, the playing of content by the cellular device is resumed as taught by Leeke. One of ordinary skill in the art would have been lead to make such a modification to insert an advertisement at a determined time in a broadcasted content.

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

4. Accordingly, this action is **FINAL**.

Conclusion

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

- U.S. Patent No. 6,587,835 by Treyz et al disclose employing a cellular device to autonomously provide information associated with a user of the cellular device

6. Any response to this action should be mailed to:

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

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. 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).

LH

lh
September 19, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2645	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,526,335	02-2003	Treyz et al.	701/1
	B	US-6,587,127	07-2003	Leeke et al.	715/765
	C	US-6,587,835	07-2003	Treyz et al.	705/14
	D	US-			
	E	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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	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 No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2645	

SEARCHED			
Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Updated East Search: Keywords: cellular device autonomously provide information; Treyz.in.	9/19/2005	LH

Index of Claims

Application No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2645	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
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Claim		Date								
Final	Original	9/19/05								
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UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bib Data Sheet

CONFIRMATION NO. 2073

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/143,342	05/10/2002 RULE	455	2681	41051.P034

APPLICANTS

G. Eric Engstrom, Kirkland, WA;

** CONTINUING DATA ********** LH

THIS APPLN CLAIMS BENEFIT OF 60/290,592 05/11/2001

** FOREIGN APPLICATIONS ********** None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/11/2002

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☑ no 35 USC 119 (a-d) conditions met ☐ yes ☑ no ☐ Met after Allowance Verified and Acknowledged Examiner's Signature Lisa Tashen LH Initials	WA	9	20	4

ADDRESS
000025943

TITLE
Method and system for inserting advertisements into broadcast content

FILING FEE RECEIVED	FEES: Authority has been given in Paper	
824	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

East Search History Update 9-19-05 LH

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S30	2	("6587127").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/09/06 15:24
S31	2	("20010053944").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/09/19 11:58
S32	59	treyz$.in.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/09/19 11:58

OIPE JC1 JUL 01 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

G. Eric Engstrom

Application No.: 10/143,342

Filed: 05/10/2002

For: METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

Examiner: Hashem, Lisa

Art Unit: 2645

I hereby certify that this correspondence is being deposited with the United States Postal Service as **First Class Mail** in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on this date:

June 29, 2005
DATE

Yvette L. Chriscadne
TYPED OR PRINTED NAME

SIGNATURE

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

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed March 11, 2005, Applicant respectfully requests the Examiner reconsider the captioned application in view of the amendment and remarks to follow.

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

Remarks begin on page 6 of this paper.

Amendments to the Claims

Listing of Claims:

1. **(Currently Amended)** A method for playing content and advertisements on cellular ~~mobile~~ devices, comprising:

(a) employing a cellular ~~mobile~~ device to autonomously provide information associated with a user of the cellular ~~mobile~~ device;

(b) employing the provided information to determine at least one advertisement to be played on the cellular ~~mobile~~ device;

(c) if a determined time interval occurs, stopping ~~the~~ playing of content by the cellular ~~mobile~~ device and playing at least one of the determined advertisements; and

(d) resuming the playing of content by the cellular ~~mobile~~ device when the playing of the at least one determined advertisement is completed.

2. **(Currently Amended)** The method of Claim 1, wherein the provided information further comprises ~~at least a~~ one or more selected from the group consisting~~one~~ of a geographic location of the cellular device, a preference of a user of the cellular device, a demographic data of a user of the cellular device, ~~other source,~~ a user behavior of the cellular device, and content played on the cellular ~~mobile~~ device.

3. **(Currently Amended)** The method of Claim 1, wherein the playing of at least one determined advertisement~~, further~~ comprises:

(a) recording content while the at least one determined advertisement is playing; and

(b) when the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

4. **(Currently Amended)** The method of Claim 1, wherein the playing of at least one determined advertisement~~, further~~ comprises:

(a) providing the at least one determined advertisement to the cellular ~~mobile~~ device prior to their playing; and

(b) recording at least one of the at least one determined advertisement on the cellular ~~mobile~~ device for play back when the determined time interval occurs.

5. **(Currently Amended)** The method of Claim 1, further comprising:

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(a) employing the at least one determined advertisement as a replacement for an advertisement associated with the content; and

(b) playing the replacement advertisement(s) on the cellular ~~mobile~~ device instead of the advertisement associated with the content.

6. **(Currently Amended)** The method of Claim 1, further comprising employing the cellular ~~mobile~~ device to receive a stream of content.

7. **(Currently Amended)** The method of Claim 1, further comprising receiving a broadcast of content for playing on the cellular ~~mobile~~ device.

8. **(Currently Amended)** The method of Claim 1, further comprising employing the cellular ~~mobile~~ device to receive a stream for the at least one determined advertisement.

9. **(Currently Amended)** The method of Claim 1, further comprising receiving a broadcast of the at least one determined advertisement for playing on the cellular ~~mobile~~ device.

10. **(Currently Amended)** A cellular ~~mobile~~ device ~~for playing content and advertisements~~, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) autonomously providing information associated with a user of the cellular ~~mobile~~ device;

(ii) receiving at least one advertisement, wherein the at least one received advertisement is determined based at least in part on~~by~~ the provided information;

(iii) if a determined time interval occurs, stopping ~~the~~ playing of content, and playing the at least one determined advertisement; and

(iv) resuming the playing of content when the playing of the at least one determined advertisement is completed.

11. **(Currently Amended)** The cellular ~~mobile~~ device of Claim 10, wherein the provided information ~~further~~ comprises ~~at least a~~one or more selected from the group consisting ~~one~~ of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, ~~other source,~~ a user behavior of the cellular device, and content played on the cellular ~~mobile~~ device.

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12. **(Currently Amended)** The cellular ~~mobile~~ device of Claim 10, wherein the playing of at least one determined advertisement~~, further~~ comprises:

(a) recording content while the at least one determined advertisement is playing; and

(b) if the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred.

13. **(Currently Amended)** The cellular ~~mobile~~ device of Claim 10, wherein the playing of at least one determined advertisement~~, further~~ comprises:

(a) providing the at least one determined advertisement to the cellular ~~mobile~~ device prior to their playing; and

(b) recording the at least one determined advertisement on the cellular ~~mobile~~ device for play back if the determined interval occurs.

14. **(Currently Amended)** The cellular ~~mobile~~ device of Claim 10, further comprising:

(a) employing the at least one determined advertisement as a replacement for an advertisement associated with the content; and

(b) playing the replacement advertisement(s) on the cellular ~~mobile~~ device instead of the advertisement associated with the content.

15. **(Currently Amended)** A client for playing content and advertisements on cellular ~~mobile~~ devices, ~~the client causing actions to be performed,~~ comprising:

logic adapted to cause actions to be performed, the actions including

(a) autonomously providing information associated with a user of a cellular ~~mobile~~ device to a server;

(b) receiving from the server at least one advertisement, wherein the at least one received advertisement is determined by the server based at least in part on~~from~~ the provided information;

(c) if a determined time interval occurs, stopping ~~the~~ playing of content on~~by~~ the cellular ~~mobile~~ device and playing the at least one determined advertisement; and

(d) resuming the playing of content on~~by~~ the cellular ~~mobile~~ device when the playing of the at least one determined advertisement is completed.

16. **(Currently Amended)** The client of Claim 15, wherein the provided information ~~further~~ comprises ~~at least a~~ one or more selected from the group consisting~~one~~ of a geographic location of the cellular device, a user preference of the cellular device, a user demographic of the cellular device, ~~other source,~~ a user behavior of the cellular device, and content played on the cellular ~~mobile~~ device.

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17. **(Currently Amended)** The client of Claim 15, wherein the playing of the at least one determined advertisement~~, further~~ comprises:

(a) recording content while the at least one determined advertisement is playing; and

(b) if the playing of the at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred.

18. **(Currently Amended)** The client of Claim 15, wherein the actions further compris~~e~~ing:

(a) employing the at least one determined advertisement as ~~a~~ replacement(s) for an advertisement associated with the content; and

(b) playing the replacement advertisement(s) on the cellular ~~mobile~~ device instead of the advertisement associated with the content.

19. **(Currently Amended)** A server for providing content and advertisements to cellular ~~mobile~~ devices, ~~the server causing actions to be performed,~~ comprising:

logic adapted to cause actions to be performed, the actions including

(a) receiving information associated with a user of a cellular ~~mobile~~ device from the cellular device, independent of user input;

(b) employing the received information to determine at least one advertisement to be played on the cellular ~~mobile~~ device; and

(c) providing the at least one determined advertisement to the cellular ~~mobile~~ device, wherein if a determined time interval occurs, ~~the~~ playing of content by the cellular ~~mobile~~ device is stopped and the at least one determined advertisement is played on the cellular ~~mobile~~ device, and when the playing of the at least one determined advertisement is completed, the playing of content by the cellular device is resumed. ~~; and~~

~~(d) enabling the playing of content by the mobile device to be resumed when the playing of at least one determined advertisement is completed.~~

20. **(Cancelled)** ~~The server of Claim 19, wherein playing at least one determined advertisement, further comprises:~~

~~(a) providing at least one determined advertisement to the mobile device prior to playing; and~~

~~(b) enabling the mobile device to record at least one determined advertisement for play back if the determined interval occurs.~~

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Remarks

Claims 1-19 have been amended in this office action response. Claim 20 has been cancelled. No claims have been added. Claims 1-29 remain pending in this application.

I. Rejection under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 USC § 102(e), as being anticipated by Leeke. Leeke et al, U.S. Patent No. 6,587,127 (issued Jul. 1, 2003).

Rejection of claim 20 has been rendered moot by its cancellation.

With respect to the remaining claims, Applicants have amended claims 1-19 to clearly distinguish the present invention over the teachings of Leeke.

Independent claims 1, 10, 15, and 19 have each been amended to require the mobile device be a cellular device, and furthermore, that the cellular device provides the information associated with the cellular device for advertisement determination for the cellular device, autonomously.

Leeke fails to anticipate these requirements. Not only does Leeke fail to disclose the use of a cellular device, Leeke teaches a method of manually obtaining end user information. The end user creates a unique login name and password thereby allowing specific demographic information to be requested and entered into a customer profile component. Leeke, Figure 1; Col. 6 Line 41-43.

Accordingly, independent claims 1, 10, 15, and 19 are not anticipated by Leeke, and are patentable under 35 USC § 102(e).

Furthermore, claims 2-9, 11-14 and 16-18 depend from independent claims 1, 10, 15, and 19, incorporating their limitations, respectively. Therefore, for at least the same reasons, claims 2-9, 11-14 and 16-18 are patentable under 35 USC § 102(e).

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II. Conclusion

In view of the foregoing, claims 1-19 are believed to be in condition for allowance. Early issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any shortage of fees or credit overpayment to Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT

Dated: June 29, 2005

Al AuYeung
Registration No. 35,432

Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981

OIPE JC130 JUL 0 1 2005 PATENT & TRADEMARK OFFICE

PTO/SB/22 (12-04)
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) 109909-129591
Application Number 10/143,342	Filed May 10, 2002
For METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST ...	
Art Unit 2645	Examiner Hashem, Lisa

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
[X]	One month (37 CFR 1.17(a)(1))	$120	$60	$ 120
[ ]	Two months (37 CFR 1.17(a)(2))	$450	$225	$
[ ]	Three months (37 CFR 1.17(a)(3))	$1020	$510	$
[ ]	Four months (37 CFR 1.17(a)(4))	$1590	$795	$
[ ]	Five months (37 CFR 1.17(a)(5))	$2160	$1080	$

[ ] Applicant claims small entity status. See 37 CFR 1.27.

[X] A check in the amount of the fee is enclosed.

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

[ ] The Director has already been authorized to charge fees in this application to a Deposit Account.

[X] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 500393. I have enclosed a duplicate copy of this sheet.

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

I am the

[ ] applicant/inventor.

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

[x] attorney or agent of record. Registration Number 35,432

[ ] attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature	Date
	6/29/05
Al AuYeung	503 -222-9981
Typed or printed name	Telephone Number

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

[x] Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 6 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.

07/05/2005 CCHAU1 00000006 10143342

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PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/143,342
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Art Unit	2645
Examiner Name	Hashem, Lisa
Attorney Docket Number	109909-129591

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [x] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [x] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):
  Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Al AuYeung		
Date	June 29, 2005	Reg. No.	35,432

CERTIFICATE OF TRANSMISSION/MAILING

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

Signature			
Typed or printed name	Yvette L. Chriscaden	Date	June 29, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, 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.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number
10/143342
4951 P0J4

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	4 minus 3 =	* 1
MULTIPLE DEPENDENT CLAIM PRESENT		☐

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

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	—
X42=		OR	X84=	84
+140=		OR	+280=	—
TOTAL		OR	TOTAL	824

CLAIMS AS AMENDED - PART II

7/1/15

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	* 19	Minus	** 20	=
Independent	* 4	Minus	*** 4	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDI-TIONAL FEE		RATE	ADDI-TIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

Ex.1002
GOOGLE LLC / Page 279 of 348

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/143,342	05/10/2002	G. Eric Engstrom	41051.P034	2073

25943 7590 03/11/2005

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITES 1600-1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 03/11/2005

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

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2645	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on 5-10-2002.

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

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

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

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

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

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

Application Papers

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

DETAILED ACTION

Claim Rejections - 35 USC § 102

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

> A person shall be entitled to a patent unless –
>
> (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.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,587,127 by Leeke et al, hereinafter Leeke.

Regarding claim 1, Leeke discloses a method for playing content and advertisements on mobile devices, comprising: (a) employing a mobile device (Fig. 1: 104, 106; col. 4, lines 13-24) to provide information associated with a user of the mobile device (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49), (b) employing the provided information to determine at least one advertisement to be played on the mobile device (col. 7, lines 11-16; col. 48, lines 15-24), (c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping the playing of content by the mobile device (Fig. 59, 1700: First Media Content) and playing at least one determined advertisement (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36); and (d) resuming the playing of content by the mobile device when the playing of at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Regarding claim 2, the method of Claim 1, wherein Leeke further discloses the provided information further comprises at least a selected one of geographic location, preference,

demographic, other source, behavior, and content played on the mobile device (col. 48, lines 15-24).

Regarding claim 3, the method of Claim 1, wherein Leeke further discloses playing at least one determined advertisement, further comprises: (a) recording content while at least one determined advertisement is playing (col. 16, lines 64-66), and (b) when the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred (see Fig. 59, 1700; col. 49, lines 51-56).

Regarding claim 4, the method of Claim 1, wherein Leeke further discloses playing at least one determined advertisement, further comprises: (a) providing at least one determined advertisement to the mobile device prior to playing (col. 49, lines 11-36), and (b) recording at least one determined advertisement on the mobile device for play back when the determined interval occurs (col. 16, lines 64-66).

Regarding claim 5, the method of Claim 1, wherein Leeke further discloses: (a) employing at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement on the mobile device instead of the advertisement associated with the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 6, the method of Claim 1, wherein Leeke further discloses employing the mobile device to receive a stream of content (col. 48, line 55 – col. 49, line 6).

Regarding claim 7, the method of Claim 1, wherein Leeke further discloses receiving a broadcast of content for playing on the mobile device (col. 48, line 55 – col. 49, line 6).

Regarding claim 8, the method of Claim 1, wherein Leeke further discloses employing the mobile device to receive a stream for at least one determined advertisement (col. 49, lines 11-36; see Fig. 59).

Regarding claim 9, the method of Claim 1, wherein Leeke further discloses receiving a broadcast of at least one determined advertisement for playing on the mobile device (col. 49, lines 11-36; see Fig. 59).

Regarding claim 10, Leeke discloses a mobile device for playing content and advertisements (Fig. 1: 104, 106; col. 4, lines 13-24; col. 48, line 55 - col. 49, line 56), comprising: (a) a memory for storing logical instructions; (b) a wireless interface unit for sending and receiving data; and (c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed (col. 4, lines 31-49), including: (i) providing information associated with a user of the mobile device (col. 4, lines 13-24); (ii) receiving at least one advertisement, wherein at least one received advertisement is determined by the provided information (col. 48, lines 15-24); (iii) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping the playing of content (Fig. 59, 1700: First Media Content) and playing at least one determined advertisement (Fig. 59, 1720: Second Media Content); and (iv) resuming the playing of content when the playing of at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Regarding claim 11, the mobile device of Claim 10, wherein Leeke further discloses the provided information further comprises at least a selected one of geographic location, preference,

demographic, other source, behavior and content played on the mobile device (col. 48, lines 15-24).

Regarding claim 12, the mobile device of Claim 10, wherein Leeke further discloses playing at least one determined advertisement, further comprises: (a) recording content while at least one determined advertisement is playing (col. 16, lines 64-66), and (b) if the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred (see Fig. 59, 1700; col. 49, lines 51-56).

Regarding claim 13, the mobile device of Claim 10, wherein Leeke further discloses playing at least one determined advertisement, further comprises: (a) providing at least one determined advertisement to the mobile device prior to playing (col. 49, lines 11-36); and (b) recording at least one determined advertisement on the mobile device for play back if the determined interval occurs (col. 16, lines 64-66).

Regarding claim 14, the mobile device of Claim 10, wherein Leeke further discloses: (a) employing at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement on the mobile device instead of the advertisement associated with the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 15, Leeke discloses a client (col. 4, lines 24-30) for playing content and advertisements on mobile devices (Fig. 1: 104, 106; col. 4, lines 13-24), the client causing actions to be performed, comprising: (a) providing information associated with a user of a mobile device to a server (Fig. 1, 102) (col. 1, lines 10-11; see Fig. 1; col. 4, lines 31-49); (b) receiving from the server at least one advertisement, wherein at least one received advertisement

is determined by the server from the provided information (col. 48, lines 15-24; col. 48, line 55 - col. 49, line 56); (c) if a determined time interval occurs (Fig. 59, 1720: Insertion Point), stopping the playing of content by the mobile device (Fig. 59, 1700: First Media Content) and playing at least one determined advertisement (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36); and (d) resuming the playing of content by the mobile device when the playing of at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Regarding claim 16, the client of claim 15, wherein Leeke further discloses the provided information further comprises at least a selected one of geographic location, preference, demographic, other source, behavior and content played on the mobile device (col. 6, lines 11-19; col. 48, lines 15-24).

Regarding claim 17, the client of claim 15, wherein Leeke further discloses playing at least one determined advertisement, further comprises: (a) recording content while at least one determined advertisement is playing (col. 16, lines 64-66); and (b) if the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred (see Fig. 59, 1700; col. 49, lines 51-56).

Regarding claim 18, the client of claim 15, wherein Leeke further discloses: (a) employing at least one determined advertisement as a replacement (third audio content) for an advertisement associated with the content (based on a second user profile), and (b) playing the replacement on the mobile device instead of the advertisement associated with the content (second audio content) (col. 49, line 51- col. 50, line 37) (wherein the user is a second user).

Regarding claim 19, Leeke discloses a server (Fig. 1, 102) for providing content and

advertisements (col. 5, lines 1-6; col. 48, line 55 - col. 49, line 56) to mobile devices (Fig. 1: 104, 106; col. 4, lines 13-24), the server causing actions to be performed, comprising: (a) receiving information associated with a user of a mobile device; (b) employing the received information to determine at least one advertisement to be played on the mobile device (col. 48, lines 15-24); (c) providing at least one determined advertisement to the mobile device, wherein if a determined time interval occurs (Fig. 59, 1720: Insertion Point), the playing of content by the mobile device is stopped (Fig. 59, 1700: First Media Content) and at least one determined advertisement is played on the mobile device (Fig. 59, 1720: Second Media Content) (col. 49, lines 11-36); and (d) enabling the playing of content by the mobile device to be resumed when the playing of at least one determined advertisement is completed (Fig. 59, 1700; col. 48, line 55 - col. 49, line 56).

Regarding claim 20, the server of Claim 19, wherein Leeke further discloses playing at least one determined advertisement, further comprises: (a) providing at least one determined advertisement to the mobile device prior to playing (col. 49, lines 11-36); and (b) enabling the mobile device to record at least one determined advertisement for play back if the determined interval occurs (col. 16, lines 64-66).

Conclusion

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

- U.S. Patent Application Publication No. Us 2002/0107027 by O'Neil discloses targeted advertising for commuters with mobile IP terminals

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh
February 25, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Notice of References Cited	Application/Control No. 10/143,342	Applicant(s)/Patent Under Reexamination ENGSTROM, G. ERIC	
	Examiner Lisa Hashem	Art Unit 2645	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,587,127	07-2003	Leeke et al.	715/765
	B	US-2002/0107027	08-2002	O'Neil, Joseph Thomas	455/456
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bib Data Sheet

CONFIRMATION NO. 2073

SERIAL NUMBER	FILING DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/143,342	05/10/2002 RULE	455	2681	41051.P034

APPLICANTS

G. Eric Engstrom, Kirkland, WA;

** CONTINUING DATA ********** LH

THIS APPLN CLAIMS BENEFIT OF 60/290,592 05/11/2001

** FOREIGN APPLICATIONS ********** None

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/11/2002

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed	☐ yes ☑ no	WA	9	20	4
35 USC 119 (a-d) conditions met	☐ yes ☑ no ☐ Met after Allowance				
Verified and Acknowledged	Examiner's Signature: Lisa Tashem Initials: LH				

ADDRESS
000025943

TITLE
Method and system for inserting advertisements into broadcast content

FILING FEE RECEIVED	FEES: Authority has been given in Paper	
824	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 No.	Applicant(s)	
10/143,342	ENGSTROM, G. ERIC	
Examiner	**Art Unit**	
Lisa Hashem	2645	

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date	Claim		Date	Claim		Date
Final	Original	2/25/05	Final	Original		Final	Original	
	1	√		51			101	
	2	√		52			102	
	3	√		53			103	
	4	√		54			104	
	5	√		55			105	
	6	√		56			106	
	7	√		57			107	
	8	√		58			108	
	9	√		59			109	
	10	√		60			110	
	11	√		61			111	
	12	√		62			112	
	13	√		63			113	
	14	√		64			114	
	15	√		65			115	
	16	√		66			116	
	17	√		67			117	
	18	√		68			118	
	19	√		69			119	
	20	√		70			120	
	21			71			121	
	22			72			122	
	23			73			123	
	24			74			124	
	25			75			125	
	26			76			126	
	27			77			127	
	28			78			128	
	29			79			129	
	30			80			130	
	31			81			131	
	32			82			132	
	33			83			133	
	34			84			134	
	35			85			135	
	36			86			136	
	37			87			137	
	38			88			138	
	39			89			139	
	40			90			140	
	41			91			141	
	42			92			142	
	43			93			143	
	44			94			144	
	45			95			145	
	46			96			146	
	47			97			147	
	48			98			148	
	49			99			149	
	50			100			150	

Search Notes	Application No.	Applicant(s)	
	10/143,342	ENGSTROM, G. ERIC	
	Examiner	Art Unit	
	Lisa Hashem	2645	

SEARCHED			
Class	Subclass	Date	Examiner
345	765	2/25/2005	LH
455	456	2/25/2005	LH

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Plus Search	2/17/2005	LH
East Search attached	2/25/2005	LH

East Search 10/143,342

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	99	(("6035104") or ("6282281") or ("6336137") or ("6466570") or ("6094677") or ("6396500") or ("6055424") or ("6185602") or ("6185625") or ("6243443") or ("5862330") or ("5913027") or ("5920865") or ("5991796") or ("6018654") or ("6052715") or ("6073136") or ("6083009") or ("6092099") or ("6119167") or ("6131095") or ("6148253") or ("6181935") or ("6237040") or ("6246758") or ("6256498") or ("6321257") or ("6334152") or ("6356543") or ("6389422") or ("6484205") or ("6529187") or ("6549773") or ("6554707") or ("6587877") or ("6674439") or ("6674733") or ("6708206") or ("6732150") or ("6785707") or ("6793580") or ("6831915") or ("6857102") or ("6147687") or ("5572528") or ("5581753") or ("5878434") or ("6070184") or ("5467341") or ("5543789")).PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/02/25 09:34
S2	50	(("6035104") or ("6282281") or ("6336137") or ("6466570") or ("6094677") or ("6396500") or ("6055424") or ("6185602") or ("6185625") or ("6243443") or ("5862330") or ("5913027") or ("5920865") or ("5991796") or ("6018654") or ("6052715") or ("6073136") or ("6083009") or ("6092099") or ("6119167") or ("6131095") or ("6148253") or ("6181935") or ("6237040") or ("6246758") or ("6256498") or ("6321257") or ("6334152") or ("6356543") or ("6389422") or ("6484205") or ("6529187") or ("6549773") or ("6554707") or ("6587877") or ("6674439") or ("6674733") or ("6708206") or ("6732150") or ("6785707") or ("6793580") or ("6831915") or ("6857102") or ("6147687") or ("5572528") or ("5581753") or ("5878434") or ("6070184") or ("5467341") or ("5543789")).PN.	USPAT	OR	OFF	2005/02/25 09:47

S3	9669	(mobile wireless $4phone) near5 (ad advertise$4 commercial)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 09:49
S4	4543	S3 and (location)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 09:53
S5	2305	S4 and (record$3)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:45
S6	812	S5 and (stop$3 paus$3)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:46
S7	456	S6 and (resum$3 play$5)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 09:54
S8	71	S7 and (server near5 (ad advertise$4 commercial))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:46
S9	62	S8 and (memory)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 09:56
S10	71	S8 and (memory storage)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:45
S11	12	(("6133912") or ("6112186") or ("6029045") or ("6177931") or ("6463585") or ("20030093792")). PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/02/25 17:36
S12	9669	(mobile wireless $4phone) near5 (ad advertise$4 commercial)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:59

S13	4543	S12 and (location)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:45
S14	298	S13 and (record$3 near5 (ad advertise$4 commercial))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:45
S15	124	S14 and (server near5 (ad advertise$4 commercial))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:46
S16	32	S15 and (stop$3 paus$3)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:51
S17	870	engstrom.in.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:51
S18	164	engstrom-g$.in.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:52
S19	6	S18 and (advertise$5)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 16:52
S20	10056	(mobile wireless $4phone) near5 (ad advertise$5 commercial)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 17:10
S21	290	S20 and (record$3 near5 content)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 17:10
S22	21	S21 and (replace$4 near5 (ad advertise$5 commercial))	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/02/25 17:11

S23	2	("6587127").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/02/25 17:36
S24	1	"6018768".PN.	USPAT; USOCR	OR	ON	2005/02/25 17:36
S25	1	"6005561".PN.	USPAT; USOCR	OR	ON	2005/02/25 17:37
S26	1	"5822537".PN.	USPAT; USOCR	OR	ON	2005/02/25 17:37
S27	1	"5721827".PN.	USPAT; USOCR	OR	ON	2005/02/25 17:38
S28	1	"5710884".PN.	USPAT; USOCR	OR	ON	2005/02/25 17:38
S29	1	"5710884".PN.	USPAT; USOCR	OR	ON	2005/02/25 17:38

OIPE JC19
MAR 15 2004
PATENT & TRADEMARK OFFICE

2
4514

10,143,342

March 10, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Method and system for inserting advertisements into broadcast content

RECEIVED
MAR 1 9 2004
Technology Center 2600

US File # **20020169540** Filed: 5/10/2002

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020169540**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level in a client-server ad delivery system.(0012) The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (0008) to a "mobile device" (media player or other) (0005) that delivers advertising based upon location, content and other triggers (0023) (0024) (Claim 14) Maintenance of the advertising database is performed through wireless communications. (0009)

Relevant Claims are: 1, 2, 4, 5, 10, 11, 14 and others. The abstract reads in part, "The determined advertisements may be cached/recorded on the mobile device for later playback or they can be provided in real time at a scheduled time for the playing of advertisements. Also, advertisements associated/included with the currently playing content could be suppressed in favor of the determined advertisements."

Consistently, the inventor describes the invention in client server terms (0012)... because it is simply an extension of the internet, an electronic communication system, relating to advertising delivery. Driving a vehicle from Point A to Point B is a purely voluntary exercise similar to surfing the internet and going to web sites at will. In a location/time based system, advertising is delivered based upon this voluntary user action in one form or another, (0023) albeit radio or a monitor screen to an advertising database maintained dynamically at the client level. Ads are then delivered to the user consequential to his or her actions. Descriptions of these actions and functions are described in (0005) (0006) (0008) (0009) (0012) (0023) (0024) (0025) (0028) and others.

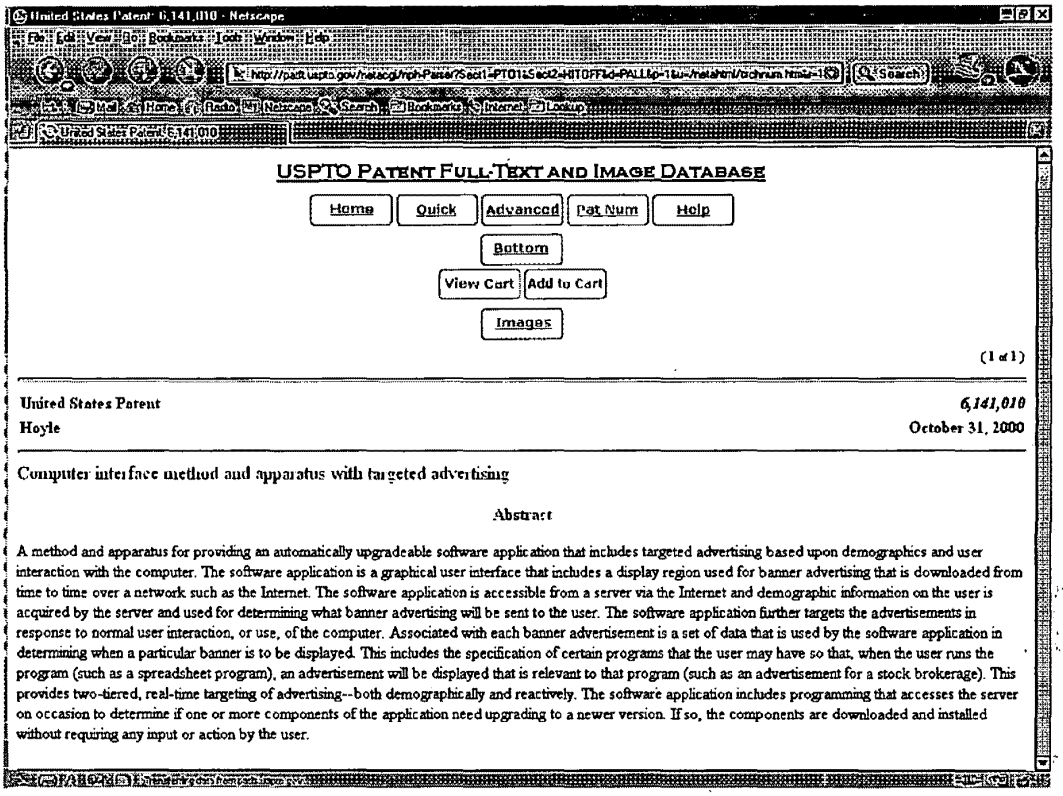
This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed. (0025)

I am objecting to this patent application as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs, keywords, or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 5/10/2002 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.



USPTO PATENT FULL-TEXT AND IMAGE DATABASE

Home | Quick | Advanced | Pat Num | Help

Bottom

View Cart | Add to Cart

Images

(1 of 1)

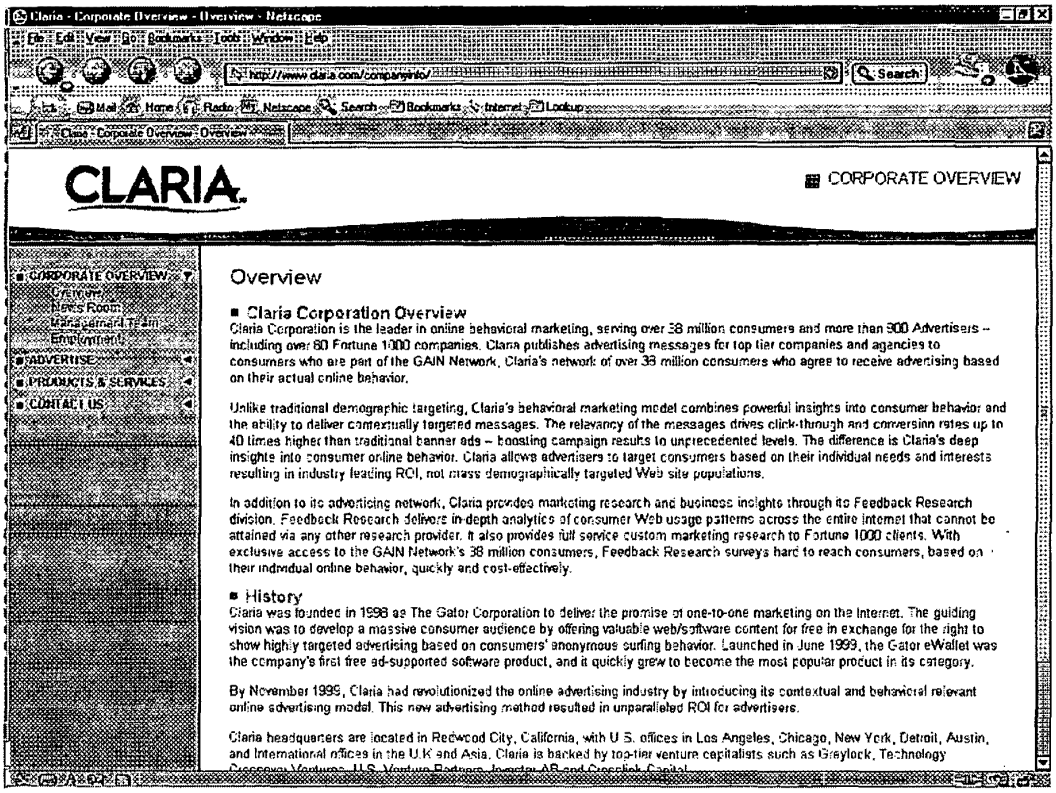
United States Patent — 6,141,010

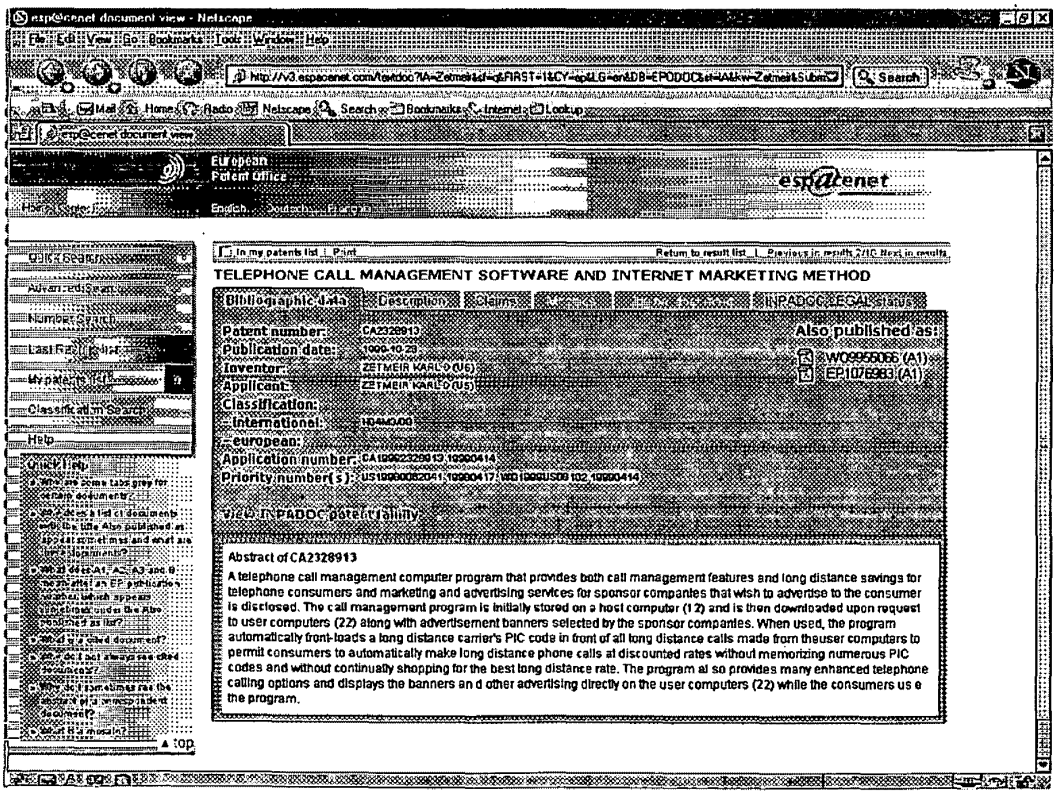
Hoyle — October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.


Claria - Corporate Overview - Overview - Netscape
CLARIA
CORPORATE OVERVIEW
Overview
Claria Corporation Overview
Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network. Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.
Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.
In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.
History
Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.
By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.
Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology


esp@cenet document view - Netscape
European Patent Office
esp@cenet
TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD
Bibliographic data
Description
Claims
INPADOC/EGAL status
Patent number:
Publication date:
Inventor:
Applicant:
Classification:
- international:
- european:
Application number:
Priority number(s):
Also published as:
WO9955066 (A1)
EP1076983 (A1)
Abstract of CA2328913
A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program al so provides many enhanced telephone calling options and displays the banners an d other advertising directly on the user computers (22) while the consumers us e the program.

05-13-02 10143342.051002

JC682 U.S. PTO 05/10/02

PTO/SB/05 (3-01)
Approved for use through 10/31/2002. 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.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	41051.P034
First Inventor	G. Eric Engstrom
Title	METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT
Express Mail Label No.	EV097685371US

05/10/02 JC682 U.S. PTO 10/143342

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. [✔] Fee Transmittal Form (e g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. [ ] Applicant claims small entity status. See 37 CFR 1.27
3. [✔] Specification [*Total Pages* 26] *(preferred arrangement set forth below)*
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings (*if filed*)
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. [✔] Drawing(s) *(35 U S C. 113)* [*Total Sheets* 9]
5. Oath or Declaration [*Total Pages* 6]
   a. [✔] Newly executed (original or copy)
   b. [ ] Copy from a prior application (37 CFR 1.63 (d)) *(for continuation/divisional with Box 18 completed)*
      i. [ ] DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. [ ] Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

7. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] paper
   c. [ ] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [✔] Assignment Papers (cover sheet & document(s))
10. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [✔] Power of Attorney
11. [ ] English Translation Document (*if applicable*)
12. [ ] Information Disclosure Statement (IDS)/PTO-1449 [ ] Copies of IDS Citations
13. [ ] Preliminary Amendment
14. [✔] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. [ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. [ ] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. [ ] Other: .....

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

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No _____/_____

Prior application information Examiner _____ *Group Art Unit* _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[✔] *Customer Number or Bar Code Label* 000025943 *(Insert Customer No. or Attach bar code label here)* or [ ] *Correspondence address below*

Name					
Address					
City		*State*		*Zip Code*	
Country		*Telephone*		*Fax*	

Name (Print/Type)	Aloysius T.C. AuYeung	*Registration No. (Attorney/Agent)*	35,432
Signature		*Date*	05/10/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

[redacted]

PTO/SB/17 (10-01)
Approved for use through 10/31/2002 OMB 0651-0032
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.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	($)864.00

Complete if Known	
Application Number	Not yet assigned
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	41051.P034

METHOD OF PAYMENT

1. ☑ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number: 501569

Deposit Account Name: Columbia IP Law Group, PC

☑ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

2. ☑ **Payment Enclosed:**

☑ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	760	214	80	Provisional filing fee	

SUBTOTAL (1) ($) 740.00

2. EXTRA CLAIM FEES

	Extra Claims			Fee from below		Fee Paid
Total Claims	20	-20**=	0	X 18.00	=	0.00
Independent Claims	4	-3**=	1	X 84.00	=	84.00
Multiple Dependent					=	0.00

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in Excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 84.00

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

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 40.00

SUBMITTED BY				Complete (if applicable)	
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[redacted]

Attorney's Docket No. 41051.P034

APPLICATION FOR UNITED STATES LETTERS PATENT

FOR

METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

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METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

CROSS REFERENCE TO RELATED APPLICATIONS

This utility application is related to a previously filed United States Provisional Application, Serial Number 60/290,592, filed on May 11, 2001, the benefit of the earlier filing date of which is hereby claimed under 35 U.S.C. § 119(e).

FIELD OF THE INVENTION

The present invention is related to mobile telecommunication devices, and more specifically to inserting advertisements into broadcast content played on a mobile device.

BACKGROUND OF THE INVENTION

Since their introduction, the number of services and features for cellular telephones has steadily increased. At first, these mobile devices operated on analog wireless networks that enabled voice communication and simple paging features. Later, digital wireless networks for cellular telephones were implemented to provide more advanced features for voice and data communication, such as encryption, caller identification and short message service (SMS) text messages. More recently, some cellular telephones enable the browsing of web pages on the Internet, tuning to radio stations, playing streamed content, or other on-line services.

The functionality of cellular telephones has continued to increase and incorporate many of the features originally provided for in handheld electronic devices such as personal digital assistants (PDAs). Relatively simple PDA features such as keeping a list of contacts, a calendar, appointments, and the like have been generally integrated into recent cellular telephone models. Also, more advanced features are becoming more widely available such as playing streamed content and broadcasts. In the past, providers of streamed content/broadcasts have not been able to differentiate advertisements for cellular telephone users versus other types of users. Typically, advertisements included with the streamed content/broadcasts

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were more generically directed to the demographics of a typical viewer, not the particular user viewing the playing of streamed content/broadcasts.

SUMMARY OF THE INVENTION

The present invention is directed to a method for playing content and advertisements on a mobile device. A mobile device provides information associated with a user of the mobile device. The provided information is employed to determine at least one advertisement to be played on the mobile device. If a determined time interval occurs, the playing of content by the mobile device is stopped while at least one determined advertisement is played on. The playing of content by the mobile device is resumed when the playing of the determined advertisement is finished.

Another aspect of the invention is directed to providing information associated with the mobile device user including at least a selected one of geographic location, preference, demographic, other source, behavior and content played on the mobile device.

Yet another aspect of the invention is directed to recording content while at least one determined advertisement is playing. And when the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

Still another aspect of the invention is directed to providing at least one determined advertisement to the mobile device prior to playing. And recording at least one determined advertisement on the mobile device for play back later, i.e., when the determined interval occurs.

Another aspect of the invention is directed to employing at least one determined advertisement as a replacement for an advertisement associated with the content. And playing the replacement on the mobile device instead of the advertisement associated with the content.

Yet another aspect of the invention is directed to receiving a stream of content and/or a broadcast of content for playing on the mobile device.

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Still another aspect of the invention is directed to receiving a stream and/or broadcast for at least one determined advertisement.

Yet another aspect of the invention is directed to playing determined advertisements with a mobile device in substantially the same way as the method discussed above. A further aspect of the invention is directed to playing determined advertisements with a client application on a mobile device that is in communication with a server application that is remotely located.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGURE 1 illustrates a schematic diagram that shows an exemplary system overview;

FIGURE 2 shows a schematic diagram that illustrates an exemplary system overview in which local area networks and a wide area network are interconnected by routers;

FIGURE 3 illustrates a schematic diagram that shows an exemplary server computer;

FIGURE 4 shows a schematic diagram that illustrates an exemplary mobile device that is operative to play media;

FIGURE 5 illustrates a schematic diagram of an exemplary embodiment of a mobile media player that is operative to play streamed content and broadcasts and receive advertisements for playback at predetermined intervals;

FIGURE 6 shows a functional block diagram that generally illustrates one embodiment of a client advertisement application for a mobile device;

FIGURE 7 illustrates a functional block diagram for an advertisement application server;

FIGURE 8 shows a flow chart that shows the actions for generating information regarding the user of a mobile device; and

FIGURE 9 illustrates a flow chart that shows the actions for playing determined advertisements on a mobile device in accordance with the present invention.

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DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

In the following detailed description of exemplary embodiments of the invention, reference is made to the accompanied drawings, which form a part hereof, and which is shown by way of illustration, specific exemplary embodiments of 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.

Throughout the specification and claims, the following terms take the meanings explicitly associated herein, unless the context clearly dictates otherwise. The term "a broadcast spectrum" means any portion or portions of the range of frequencies, channels, or Internet addresses employed for broadcasting that can be selected for tuning in conjunction with the practice of the invention disclosed herein. The term "broadcast" includes but is not limited to commercial and non-commercial radio and television stations, Internet radio and the like. The term "user preference" can include a plurality of elements. For example, a user preference for disco music circa 1980 has at least two elements, i.e., the type of music and the era.

The term "location" or "presence" includes anything on which a position of a user may be expressed, e.g., the physical, virtual and ordinal location of the user. The physical location may be determined in many ways, including, but not limited to, manual input from a user, Global Positioning System (GPS) information, Assisted GPS and wireless signal triangulation. The virtual location may be expressed including, but not limited to, the current page(s) being browsed and positions within multi-dimensional virtual environments or interactive multimedia presentations. Also, the ordinal location may be expressed as the location within including, but not limited to, user interface displays, and positions within streamed and/or broadcast content, such as song on a radio station or television show on a video channel.

The term "user interface" can include any type of element that is selectable on a mobile device, including, but not limited to, push-button, rocker switch, slider, dial, key, mouse, pointer, touch-sensitive pad, touch sensitive screen, and soft key.

The term "mobile device" or "mobile media player" includes any device capable of connecting to a wireless network. Such devices include cellular telephones, smart phones, pagers, radio frequency (RF) devices, infrared (IR) devices, citizen band radios (CBs), integrated devices combining one or more of the preceding devices, and the like. Mobile devices may also include other devices that have a wireless interface such as PDAs, handheld computers, personal computers, multiprocessor systems, microprocessor-based or programmable consumer electronics, network PCs, wearable computers, and the like.

Referring to the drawings, like numbers indicate like parts throughout the views. Additionally, a reference to the singular includes a reference to the plural unless otherwise stated or is inconsistent with the disclosure herein.

The present invention is directed to providing advertisements for playing on a mobile device based on previously provided information regarding the mobile device user. Information regarding the user is provided to a server, which is also in communication with advertisers that supply advertisements for playing on the mobile device. The server employs the user information to determine which advertisements might be suitable for the mobile device user. The determined advertisements may be cached/recorded on the mobile device for later playback or they could be provided in real time at a scheduled time for the playing of advertisements. Also, advertisements associated/included with the currently playing content could be suppressed in favor of the determined advertisements. Additionally, the currently playing content can be recorded while advertisements are playing on the mobile device; and then the playing of the content can be subsequently resumed from the point where the advertisements started playing.

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Illustrative Operating Environment

With reference to FIGURE 1, an exemplary system in which the invention operates includes wireless mobile devices 400, wireless network 110, gateway 115, wide area network (WAN)/local area network (LAN) 200 and one or more world wide web (WWW) servers 330.

Mobile devices 400 are coupled to wireless network 110 and are described in more detail in conjunction with FIGURE 4. Wireless network 110 transports information to and from devices capable of wireless communication, such as mobile devices 400. Wireless network 110 may include both wireless and wired components. For example, wireless network 110 may include a cellular tower that is linked to a wired telephone network. Typically, the cellular tower carries communication to and from cell phones, pagers, and other wireless devices, and the wired telephone network carries communication to regular phones, long-distance communication links, and the like.

Wireless network 110 is coupled to WAN/LAN through gateway 115. Gateway 115 routes information between wireless network 110 and WAN/LAN 200. For example, a user using a wireless device may browse the Internet by calling a certain number or tuning to a particular frequency. Upon receipt of the number, wireless network 110 is configured to pass information between the wireless device and gateway 115. Gateway 115 may translate requests for web pages from wireless devices to hypertext transfer protocol (HTTP) messages, which may then be sent to WAN/LAN 200. Gateway 115 may then translate responses to such messages into a form compatible with the requesting device. Gateway 115 may also transform other messages sent from mobile devices 400 into information suitable for WAN/LAN 200, such as e-mail, audio, voice communication, contact databases, calendars, appointments, and the like.

Typically, WAN/LAN 200 transmits information between computing devices as described in more detail in conjunction with FIGURE 2. One example of a WAN is the Internet, which connects millions of computers over a host of gateways, routers,

[redacted]

switches, hubs, and the like. An example of a LAN is a network used to connect computers in a single office. A WAN may connect multiple LANs.

WWW servers 330 are coupled to WAN/LAN 200 through communication mediums. WWW servers 330 provide access to information and services as described in more detail in conjunction with FIGURE 3.

FIGURE 2 shows another exemplary system in which the invention operates in which a number of local area networks ("LANs") 220_{a-d} and wide area network ("WAN") 230 interconnected by routers 210. Routers 210 are intermediary devices on a communications network that expedite message delivery. On a single network linking many computers through a mesh of possible connections, a router receives transmitted messages and forwards them to their correct destinations over available routes. On an interconnected set of LANs--including those based on differing architectures and protocols--, a router acts as a link between LANs, enabling messages to be sent from one to another. Communication links within LANs typically include twisted wire pair, fiber optics, or coaxial cable, while communication links between networks may utilize analog telephone lines, full or fractional dedicated digital lines including T1, T2, T3, and T4, Integrated Services Digital Networks (ISDNs), Digital Subscriber Lines (DSLs), wireless links, or other communications links. Furthermore, computers, such as remote computer 240, and other related electronic devices can be remotely connected to either LANs 220_{a-d} or WAN 230 via a modem and temporary telephone link. The number of WANs, LANs, and routers in FIGURE 2 may be increased or decreased without departing from the spirit or scope of this invention. As such, it will be appreciated that the Internet itself may be formed from a vast number of such interconnected networks, computers, and routers and that an embodiment of the invention could be practiced over the Internet without departing from the spirit and scope of the invention.

The media used to transmit information in communication links as described above illustrates one type of computer-readable media, namely communication media. Generally, computer-readable media includes any media that can be

[redacted]

accessed by a computing device. Computer-readable media may include computer storage media, communication media, or any combination thereof.

Communication media typically embodies computer-readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave or other transport mechanism and includes any information delivery media. The term "modulated data signal" means a signal that has one or more of its characteristics set or changed in such a manner as to encode information in the signal. By way of example, communication media includes wired media such as twisted pair, coaxial cable, fiber optics, wave guides, and other wired media and wireless media such as acoustic, RF, infrared, and other wireless media.

The Internet has recently seen explosive growth by virtue of its ability to link computers located throughout the world. As the Internet has grown, so has the WWW. Generally, the WWW is the total set of interlinked hypertext documents residing on HTTP servers around the world. Documents on the WWW, called pages or Web pages, are typically written in HTML (Hypertext Markup Language) or some other markup language, identified by URLs (Uniform Resource Locators) that specify the particular machine and pathname by which a file can be accessed, and transmitted from server to end user using HTTP. Codes, called tags, embedded in an HTML document associate particular words and images in the document with URLs so that a user can access another file, which may literally be halfway around the world, at the press of a key or the click of a mouse. These files may contain text (in a variety of fonts and styles), graphics images, movie files, media clips, and sounds as well as Java applets, ActiveX controls, or other embedded software programs that execute when the user activates them. A user visiting a Web page also may be able to download files from an FTP site and send messages to other users via email by using links on the Web page.

A server computer, as described in more detail in conjunction with FIGURE 3, is a computer connected to the Internet having storage facilities for storing hypertext documents for a WWW site and running administrative software for handling

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requests for the stored hypertext documents. A hypertext document normally includes a number of hyperlinks, i.e., highlighted portions of text which link the document to another hypertext document possibly stored at a WWW site elsewhere on the Internet. Each hyperlink is associated with a URL that provides the location of the linked document on a server connected to the Internet and describes the document. Thus, whenever a hypertext document is retrieved from a WWW server, the document is considered to be retrieved from the WWW. A WWW server may also include facilities for storing and transmitting application programs, such as application programs written in the JAVA programming language from Sun Microsystems, for execution on a remote computer. Likewise, a WWW server may also include facilities for executing scripts and other application programs on the WWW server itself.

A user may retrieve hypertext documents from the WWW via a WWW browser application program located on a wired or wireless device. A WWW browser, such as Netscape's NAVIGATOR® or Microsoft's INTERNET EXPLORER®, is a software application program for providing a graphical user interface to the WWW. Upon request from the user via the WWW browser, the WWW browser accesses and retrieves the desired hypertext document from the appropriate WWW server using the URL for the document and HTTP. HTTP is a higher-level protocol than TCP/IP and is designed specifically for the requirements of the WWW. HTTP is used to carry requests from a browser to a Web server and to transport pages from Web servers back to the requesting browser or client. The WWW browser may also retrieve application programs from the WWW server, such as JAVA applets, for execution on a client computer.

FIGURE 3 shows an exemplary server computer 300 that includes WWW server 330 that is operative to provide a web site. Accordingly, WWW server 330 transmits web pages to a browser application program executing on requesting devices to carry out this process. For instance, WWW server 330 may transmit pages and forms for receiving information about a user, such as user preferences,

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address, telephone number, billing information, credit card numbers, and the like. Moreover, WWW server 330 may transmit WWW pages to a requesting device that allow a user to participate in a WWW site. The transactions may take place over the Internet, WAN/LAN 200, or some other communications network.

Those of ordinary skill in the art will appreciate that server computer 300 may include many more components than those shown in FIGURE 3. However, the components shown are sufficient to disclose an illustrative embodiment for practicing the present invention. As shown in FIGURE 3, server computer 300 is connected to WAN/LAN 200, or other communications network, via network interface unit 310. Those of ordinary skill in the art will appreciate that network interface unit 310 includes the necessary circuitry for connecting server computer 300 to WAN/LAN 200, and is constructed for use with various communication protocols including, but not limited to, the TCP/IP and WAP protocols.

Server computer 300 also includes processing unit 312, video display adapter 314, and a mass memory, all connected via bus 322. The mass memory generally includes RAM 316, ROM 332, and one or more permanent mass storage devices, such as hard disk drive 328, a tape drive, CD-ROM/DVD-ROM drive 326, and/or a floppy disk drive. The mass memory stores operating system 320 for controlling the operation of server computer 300. It will be appreciated that this component may comprise a general purpose server operating system as is known to those of ordinary skill in the art, such as UNIX, LINUX™, or Microsoft WINDOWS NT®. Basic input/output system ("BIOS") 318 is also provided for controlling the low-level operation of server computer 300.

The mass memory as described above illustrates another type of computer-readable media, namely computer storage media. Computer storage media may include volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information, such as computer readable instructions, data structures, program modules or other data. Examples of computer storage media include RAM, ROM, EEPROM, flash memory or other memory

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technology, CD-ROM, digital versatile disks (DVD) or other optical storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can be accessed by a computing device.

The mass memory also stores program code and data for providing a web site. More specifically, the mass memory stores applications including WWW server 330, programs 334, and advertisement server 336 (See figures and related discussion below). WWW server application 330 includes computer executable instructions which, when executed by server computer 300, generate WWW browser displays, including performing the logic described above. Server computer 300 may include other programs, including, but not limited to, a JAVA virtual machine, an SMTP handler application for transmitting and receiving email, an HTTP handler application for receiving and handing HTTP requests, JAVA applets for transmission to a WWW browser executing on a client computer, and an HTTPS handler application for handling secure connections. The HTTPS handler application may be used for communication with external security applications (not shown), to send and receive private information in a secure fashion.

Server computer 300 also includes input/output interface 324 for communicating with external devices, such as a mouse, keyboard, scanner, or other input devices not shown in FIGURE 3. Likewise, server computer 300 may further include additional mass storage facilities such as CD-ROM/DVD-ROM drive 326 and hard disk drive 328. Hard disk drive 328 is utilized by server computer 300 to store, among other things, application programs, databases, and program data employed by WWW server application 330 and advertisement server 336.

FIGURE 4 shows an exemplary mobile device 400, according to one embodiment of the invention. Mobile device 400 may be arranged to transmit and receive data. For instance, mobile device 400 may send and receive SMS text messages from other mobile devices (not shown) and servers (See FIGURE 3 and related discussion) as well as receiving broadcasts. For example, mobile device 400

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may receive radio broadcasts or television broadcasts. The data transmissions may take place over the Internet, WAN/LAN 200, or some other communications network.

Those of ordinary skill in the art will appreciate that mobile device 400 may include many more components than those shown in FIGURE 4. However, the components shown are sufficient to disclose an illustrative embodiment for practicing the present invention. As shown in the figure, mobile device 400 includes processing unit 412, memory 448, RAM 416, ROM 432, operating system 420, advertisement application 430, programs 434, data storage 436, bios 418, power 426, input/output interface 424, wireless interface unit 410, LED 450, tuner(s) 452, audio 454, display 456, keypad 458, infrared input/output 460, and GPS interface 462.

Mobile device 400 may connect to WAN/LAN 200, or other communications network, via wireless interface unit 410. Those of ordinary skill in the art will appreciate that wireless interface unit 410 includes the necessary circuitry for connecting mobile device 400 to WAN/LAN 200, and is constructed for use with various communication protocols including the TCP/IP protocol. Wireless interface unit 410 may include a radio layer (not shown) that is arranged to transmit and receive radio frequency communications. Wireless interface unit 410 connects mobile device 400 to external devices, via a communications carrier or service provider.

Mass memory 448 generally includes RAM 416, ROM 432, and one or more data storage units 436. The mass memory stores operating system 420 for controlling the operation of mobile device 400. It will be appreciated that this component may comprise a general purpose server operating system as is known to those of ordinary skill in the art, such as a version of UNIX, LINUX™, or Microsoft WINDOWS ®. Basic input/output system ("BIOS") 418 is also provided for controlling the low-level operation of mobile device 400.

The mass memory as described above illustrates another type of computer-readable media, namely computer storage media. Computer storage media may

include volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information, such as computer readable instructions, data structures, program modules or other data. Examples of computer storage media include RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile disks (DVD) or other optical storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can be accessed by a computing device.

The mass memory also stores program code and data used within mobile device 400. More specifically, the mass memory stores applications including advertisement application 430, and programs 434. Programs 434 may include computer executable instructions which, when executed by mobile device 400, transmit and receive WWW pages, e-mail, audio, video, and the like. One or more programs 434 may be loaded into memory 448 and run under control of operating system 420. advertisement application 430 performs the methods described below. Examples of application programs include radio tuner programs, phone programs, communication programs, productivity programs (word processing, spreadsheet, etc.), browser programs, and the like. Mobile computing device 400 also includes ROM 432. ROM 432 may be used to store data that should not be lost when mobile device 400 loses power.

Mobile device 400 also comprises input/output interface 424 for communicating with external devices, such as a headset, or other input or output devices not shown in FIGURE 4. Data storage 436 is utilized by mobile device 400 to store, among other things, application programs, databases, and program data.

Keypad 458 may be any input device arranged to receive inputs from a user. For example, keypad 458 may include separate push buttons or a keyboard. Display 456 may be a liquid crystal display, or any other type of display commonly used in mobile devices. Display 456 may also be a touch screen arranged to receive a user's inputs. Infrared input/output 460 may be used to send and receive

[redacted]

infrared commands. GPS interface 462 may be used in a manner consistent with determining positional information from satellite communications and/or triangulation of wireless communications.

Power supply 426 provides power to mobile device 400. According to one embodiment, a rechargeable battery provides power. The power may be also be provided by an external power source, such as an AC adapter or a powered docking cradle that supplements or recharges the battery.

As shown, mobile device 400 includes light emitting diode (LED) display 450, tuner(s) 452, and audio interface 454. LED display 450 may be controlled to remain active for specific periods or events. For example, an LED display may stay on while the phone is powered or may light up in various patterns. The patterns may be a predetermined or random pattern. Audio interface 454 is arranged to receive and provide audio signals. For example, audio interface 454 may be coupled to a speaker (not shown) to provide audio from a telephone call, tuner(s) 452, or from some other audio source. Audio interface 454 may also be coupled to an input device, such as a microphone, to receive audio input. Tuner(s) 452 may be any tuner to receive a broadcast. For example, tuner(s) 452 may be an AM tuner, an FM tuner, an AM/FM tuner, an Internet radio tuner, a television tuner, and the like.

FIGURE 5 is a functional block diagram generally illustrating an overview of system 500 for inserting advertisements provided by advertisement server 506 into streamed or broadcast content playing on mobile device 502. In this implementation, server computer 506 is a stationary computing device such as the one described above in conjunction with FIGURE 3, and mobile device 502 is a mobile computing device such as the one described above in conjunction with FIGURE 4. Mobile device 504 is in communication with several different wireless sources of data, information and content, including, but not limited to, radio 514, television 512, data 510 and GPS satellite 516.

Advertisement client 504 is located on mobile device 502 and determines the information about the user for that particular mobile device and provides this

information to advertisement server 508 located on server computer 506. The user's information may include any combination of physical location, preference, user behavior and demographic information. The user's information can be asynchronously provided to advertisement server 508 or in real time.

Although not shown, multiple clients on mobile devices can also be in communication with the advertisement server. Furthermore, in one embodiment, a peer-to-peer architecture may be employed where each advertisement application located on a mobile device is in communication with each other and the advertisers. Additionally, an advertisement may be communicated between the mobile device and the server computer using the SMS protocol or some other suitable messaging protocol.

FIGURE 6 illustrates a functional block diagram for an exemplary client advertisement application 614, which is operative to function as a client in a client-server architecture and where clients are on mobile devices and a server is remotely located for determining advertisements to be played on the mobile devices.

Client advertisement application 614 is in communication with several other modules that provide different types of information, which in total are employed to generate information regarding a user of the mobile device. Preference module 602 enables manual entry through a user interface of preferences for a user. The user may enter any information desired to specify likes, dislikes, memberships, affiliations, and the like. The preference information may be selected from a list of predetermined favorites or expressly entered at the mobile device.

Physical location module 604 enables coordinates identifying the physical location of the user's mobile device to be provided. For example, GPS, Assisted GPS and/or triangulation of wireless signals may be analyzed by physical location module 604 to determine the physical location of the user's mobile device, e.g., at a sports stadium, theatre, restaurant, home, school, and the like.

Recorder module 610 enables an advertisement to be recorded and stored prior to playing on the mobile device. Also, recorder module 610 may be used to

[redacted]

record content while an advertisement is playing and subsequently resuming the playing of the content from the point where the advertisement started playing. The content may include, but not limited to, streamed visual content, streamed audio content and broadcast content from a radio station and a television channel.

Demographic module 612 enables the demographics of a user to be determined. For example, a user's age, income and spending habits may be manually entered by the user or determined by the user's answers to various questionnaires or surveys presented by demographic module 612.

Behavior module 608 enables the user's behavior in using the mobile device to be determined such as, but not limited to, playing video games, listening to radio station, viewing television channels, participating in chat rooms, and communicating SMS messages. The type and frequency of behaviors can be determined by behavior module 608. Additionally, other source module 606 enables other sources to be used to provide information regarding the user, e.g., a message from another user of another mobile device that identifies characteristics of the current user of the mobile device. Also, information can be provided by others (or the actual user) from a remotely located stationary computing device about the mobile device user.

FIGURE 7 illustrates a functional block diagram 700 for exemplary advertisement application server 706, which is operative to function as a server in a client-server architecture, where clients are on mobile devices and the server is remotely located for processing of determined advertisements based on user information. Client advertisement processing module 704 is employed to receive user information from each client and communicate specifically determined advertisements to each client.

Advertiser processing module 702 is employed to receive advertisements from various advertisers that are intended for users of mobile devices. At least some of the provided advertisements are associated with weights. These weights enable advertisement application server 706 to select advertisements for particular users of mobile devices that are most likely to be interested in the subsequent

[redacted]

playing of the selected advertisements on their mobile devices. Other advertisements may be associated with specific user information, such as age, type of content played and location.

FIGURE 8 is a flow chart that illustrates an overview 800 of the process for generating information regarding the user of a mobile device. Moving from a start block, the process advances to decision block 802 where a determination is made if the location of the mobile device is available. If true, the process advances to block 804 where the location is added to information about the user of the mobile device. The location may be manually entered by the user and/or provided from a GPS, assisted GPS, wireless signal triangulation, and the like, to determine the location of the user of the mobile device. Next, the process flows to decision block 806 where a determination is made as to whether the behavior of the user is provided. Also, when the determination at decision block 802 is false, the process steps directly to decision block 806.

At decision block 806, when the process determines that at least one behavior of the user is available, it moves to block 808 where behavior information is added to other information about the mobile device user. The process steps to decision block 810 where a determination is made as to whether user preferences are provided. Alternatively, when the determination at decision block 806 is negative, the process advances to decision block 810.

At decision block 810, when the process determines that at least one user preference is provided, it moves to block 812 where user preferences are added to other information about the user of the mobile device. Next, the process flows to decision block 814 where a determination is made as to whether at least one demographic piece of information regarding the user is provided. If true, the process steps to block 816 where the demographic information is added to other information regarding the mobile device user. Next, the process steps to decision block 818 where a determination is made as to whether other sources have provided

[redacted]

information regarding the mobile device user. Also, when the determination at decision block 814 is false, the process moves directly to decision block 818.

At decision block 818, when the determination is true, the process advances to block 820 where the other source information is added to other information regarding the mobile device user. Next, the process flows to block 822 where information regarding the mobile device user is generated that can be subsequently used in determining advertisements to be played by the user's mobile device. Alternatively, when other source information is not provided at decision block 818, the process steps directly to block 822 and performs substantially the same actions discussed above. In either case, the process moves from block 822 and returns to processing other actions.

FIGURE 9 is a flow chart that illustrates an overview 900 of the process for playing advertisements that are determined to be related to information provided about the user of a mobile device. Moving from a start block, the process steps to block 902 where information about the user of the mobile device is provided. This process is expressed in the discussion accompanying FIGURE 8 and other parts of the specification above. The process flows to block 904 where the provided mobile device user's information is asynchronously employed to determine at least one advertisement that could be of interest to the user of the mobile device.

Next, the process advances to decision block 906 where a determination is made as to whether the determined advertisement is to be provided in real time (during a time interval scheduled for the playing of advertisements). If not, the process moves to block 910 where the determined advertisement is recorded on the mobile device for later playback. Next, the process steps to decision block 908 where a determination is made as to whether it is a scheduled time to play the determined advertisement. Alternatively, if the determination at decision block 906 is affirmative, the process flows directly to decision block 908.

At decision block 908, if the determination is negative, the process loops back to block 902 and continues performing substantially the same actions discussed

Ex.1002
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above. However, when the process determines at decision block 908 that it is time to play the determined advertisement, it flows to decision block 910 where a determination is made whether to record the content while the determined advertisement is playing. If false, the process moves to block 914 where the playing content will be recorded while the determined advertisement is playing. Also, when the determined advertisement is done playing, the process will automatically resume playing the content from the point that the determined advertisement started playing.

Next, the process moves to block 918 where another determination is made as to whether to replace the playing of at least one advertisement associated with and/or included with the currently playing content. If false, the process moves to block 916 where the determined advertisement is asychnronously played along with the advertisement associated with the content during a scheduled time interval. The process then loops back to block 902 and performs substantially the same actions as discussed above.

However, when the determination at decision block 918 is affirmative, the process moves to block 920 where the determined advertisement is played as a substitute for the advertisement associated/included with the currently playing content. Next, the process returns to block 902 and continues performing substantially the same actions as discussed above.

The above specification, examples and data provide a complete description of the manufacture and use of the composition of the invention. Since many embodiments of the invention can be made without departing from the spirit and scope of the invention, the invention resides in the claims hereinafter appended.

[redacted]

CLAIMS

What is claimed is:

1. A method for playing content and advertisements on mobile devices, comprising:

(a) employing a mobile device to provide information associated with a user of the mobile device;

(b) employing the provided information to determine at least one advertisement to be played on the mobile device;

(c) if a determined time interval occurs, stopping the playing of content by the mobile device and playing at least one determined advertisement; and

(d) resuming the playing of content by the mobile device when the playing of at least one determined advertisement is completed.

2. The method of Claim 1, wherein the provided information further comprises at least a selected one of geographic location, preference, demographic, other source, behavior and content played on the mobile device.

3. The method of Claim 1, wherein playing at least one determined advertisement, further comprises:

(a) recording content while at least one determined advertisement is playing; and

(b) when the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of the content occurred.

4. The method of Claim 1, wherein playing at least one determined advertisement, further comprises:

(a) providing at least one determined advertisement to the mobile device prior to playing; and

(b) recording at least one determined advertisement on the mobile device for play back when the determined interval occurs.

[redacted]

5. The method of Claim 1, further comprising:

(a) employing at least one determined advertisement as a replacement for an advertisement associated with the content; and

(b) playing the replacement on the mobile device instead of the advertisement associated with the content.

6. The method of Claim 1, further comprising employing the mobile device to receive a stream of content.

7. The method of Claim 1, further comprising receiving a broadcast of content for playing on the mobile device.

8. The method of Claim 1, further comprising employing the mobile device to receive a stream for at least one determined advertisement.

9. The method of Claim 1, further comprising receiving a broadcast of at least one determined advertisement for playing on the mobile device.

10. A mobile device for playing content and advertisements, comprising:

(a) a memory for storing logical instructions;

(b) a wireless interface unit for sending and receiving data; and

(c) a processor for executing the logical instructions stored in the memory, the execution of the logical instructions causing actions to be performed, including:

(i) providing information associated with a user of the mobile device;

(ii) receiving at least one advertisement, wherein at least one received advertisement is determined by the provided information;

(iii) if a determined time interval occurs, stopping the playing of content and playing at least one determined advertisement; and

(iv) resuming the playing of content when the playing of at least one determined advertisement is completed.

[redacted]

11. The mobile device of Claim 10, wherein the provided information further comprises at least a selected one of geographic location, preference, demographic, other source, behavior and content played on the mobile device.

12. The mobile device of Claim 10, wherein playing at least one determined advertisement, further comprises:

(a) recording content while at least one determined advertisement is playing; and

(b) if the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred.

13. The mobile device of Claim 10, wherein playing at least one determined advertisement, further comprises:

(a) providing at least one determined advertisement to the mobile device prior to playing; and

(b) recording at least one determined advertisement on the mobile device for play back if the determined interval occurs.

14. The mobile device of Claim 10, further comprising:

(a) employing at least one determined advertisement as a replacement for an advertisement associated with the content; and

(b) playing the replacement on the mobile device instead of the advertisement associated with the content.

15. A client for playing content and advertisements on mobile devices, the client causing actions to be performed, comprising:

(a) providing information associated with a user of a mobile device to a server;

(b) receiving from the server at least one advertisement, wherein at least one received advertisement is determined by the server from the provided information;

[redacted]

(c) if a determined time interval occurs, stopping the playing of content by the mobile device and playing at least one determined advertisement; and

(d) resuming the playing of content by the mobile device when the playing of at least one determined advertisement is completed.

16. The client of Claim 15, wherein the provided information further comprises at least a selected one of geographic location, preference, demographic, other source, behavior and content played on the mobile device.

17. The client of Claim 15, wherein playing at least one determined advertisement, further comprises:

(a) recording content while at least one determined advertisement is playing; and

(b) if the playing of at least one determined advertisement is completed, resuming the playing of content from where the stopping of the playing of content occurred.

18. The client of Claim 15, further comprising:

(a) employing at least one determined advertisement as a replacement for an advertisement associated with the content; and

(b) playing the replacement on the mobile device instead of the advertisement associated with the content.

19. A server for providing content and advertisements to mobile devices, the server causing actions to be performed, comprising:

(a) receiving information associated with a user of a mobile device;

(b) employing the received information to determine at least one advertisement to be played on the mobile device;

(c) providing at least one determined advertisement to the mobile device, wherein if a determined time interval occurs, the playing of content by the mobile device is stopped and at least one determined advertisement is played on the mobile device; and

[redacted]

(d) enabling the playing of content by the mobile device to be resumed when the playing of at least one determined advertisement is completed.

20. The server of Claim 19, wherein playing at least one determined advertisement, further comprises:

(a) providing at least one determined advertisement to the mobile device prior to playing; and

(b) enabling the mobile device to record at least one determined advertisement for play back if the determined interval occurs.

[redacted]

ABSTRACT

The present invention is directed to providing advertisements for playing on a mobile device based on previously provided information regarding the mobile device user. Information regarding the user is provided to a server, which is also in communication with advertisers that supply advertisements for playing on the mobile device. The server employs the user information to determine which advertisements might be suitable for the mobile device user. The determined advertisements may be cached/recorded on the mobile device for later playback or they can be provided in real time at a scheduled time for the playing of advertisements. Also, advertisements associated/included with the currently playing content could be suppressed in favor of the determined advertisements. Additionally, the currently playing content can be recorded while advertisements are playing on the mobile device; and then the playing of the content can be subsequently resumed from the point where the advertisements started playing.

Ex.1002
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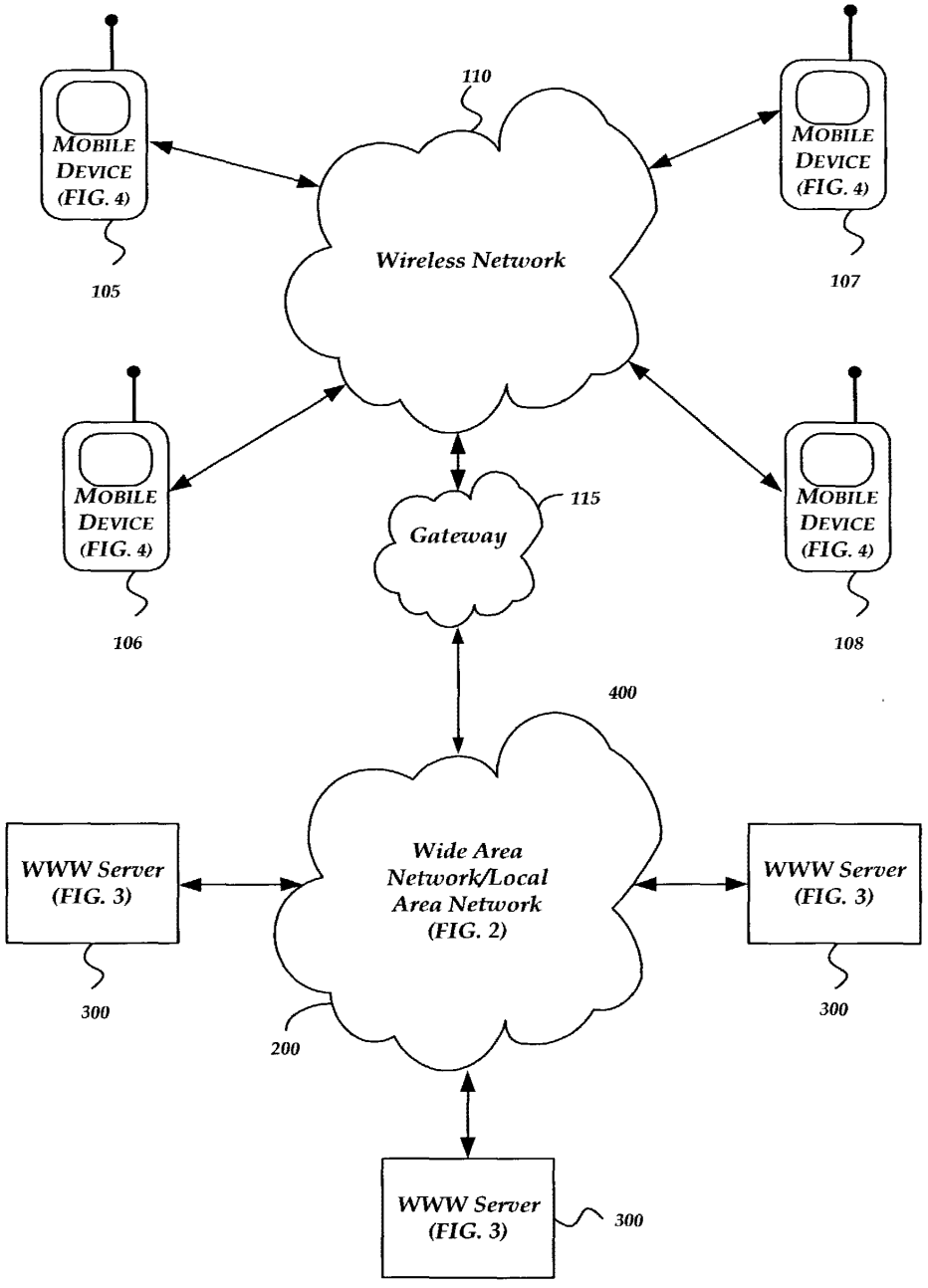

110
MOBILE DEVICE (FIG. 4)
105
MOBILE DEVICE (FIG. 4)
107
Wireless Network
MOBILE DEVICE (FIG. 4)
106
Gateway
115
MOBILE DEVICE (FIG. 4)
108
400
WWW Server (FIG. 3)
300
Wide Area Network/Local Area Network (FIG. 2)
200
WWW Server (FIG. 3)
300
WWW Server (FIG. 3)
300

Fig.1

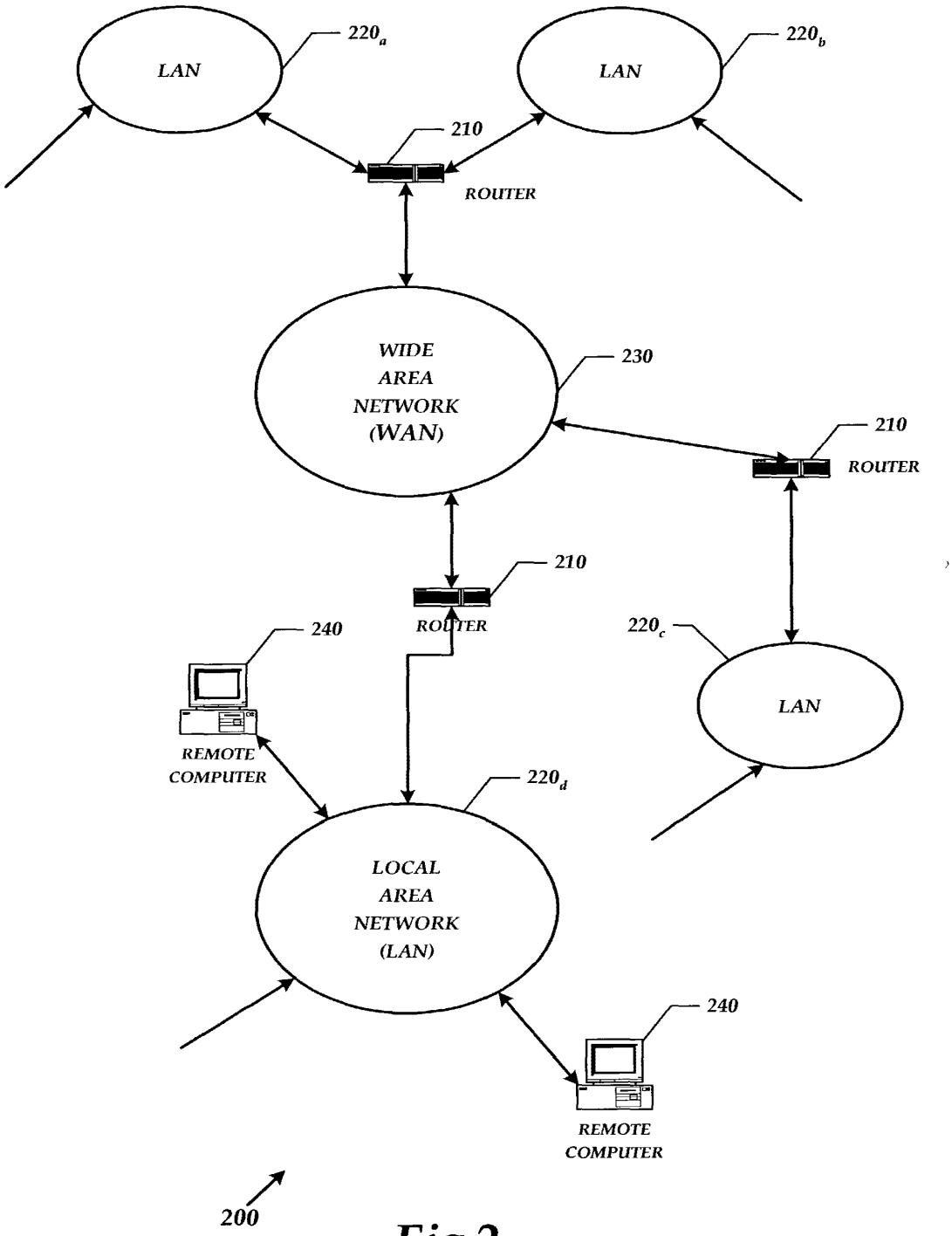


Fig.2

[redacted]

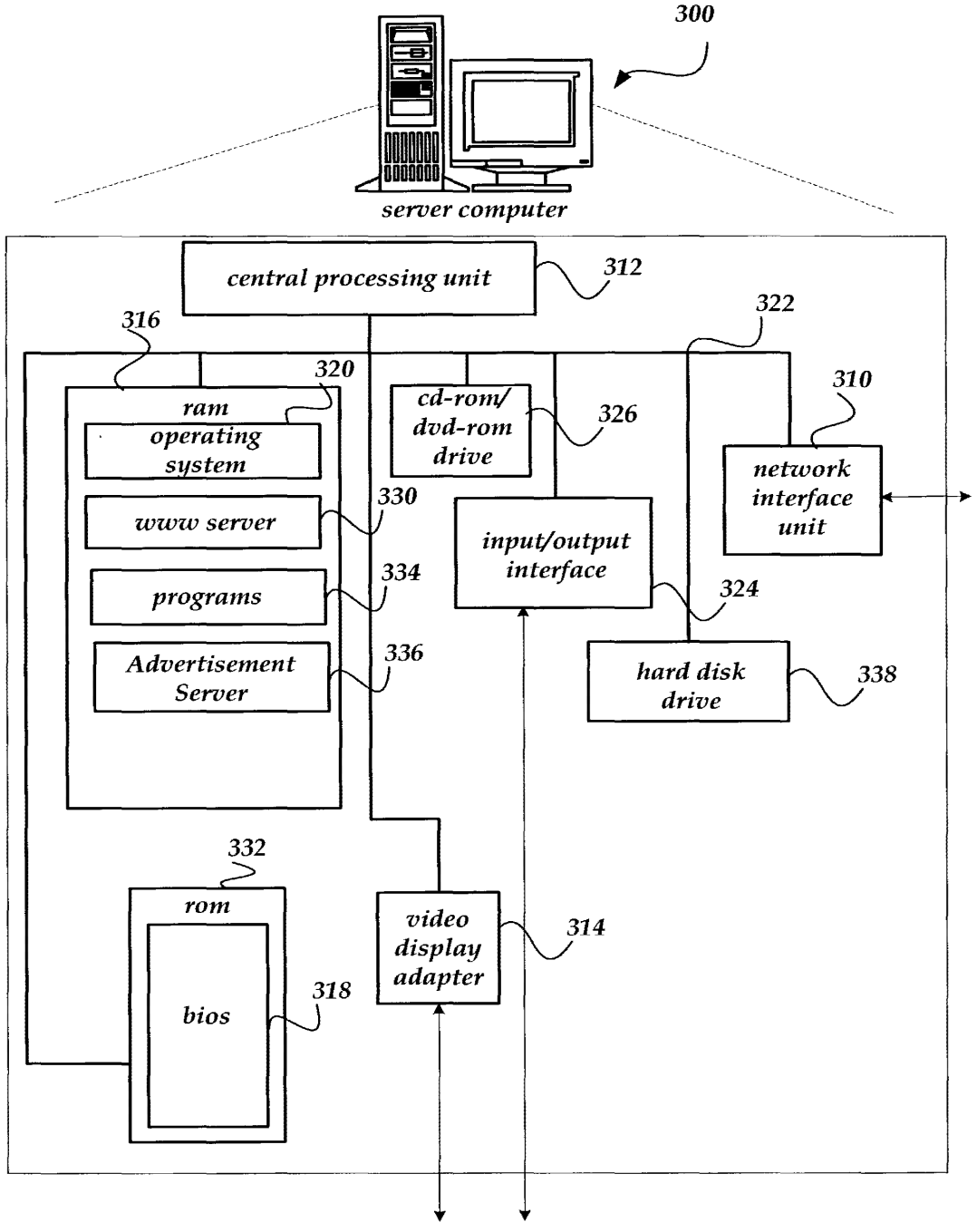

300
server computer
central processing unit
312
316
322
320
310
ram
operating system
cd-rom/ dvd-rom drive
326
network interface unit
330
www server
input/output interface
334
programs
324
336
Advertisement Server
hard disk drive
338
332
rom
video display adapter
314
318
bios

Fig.3

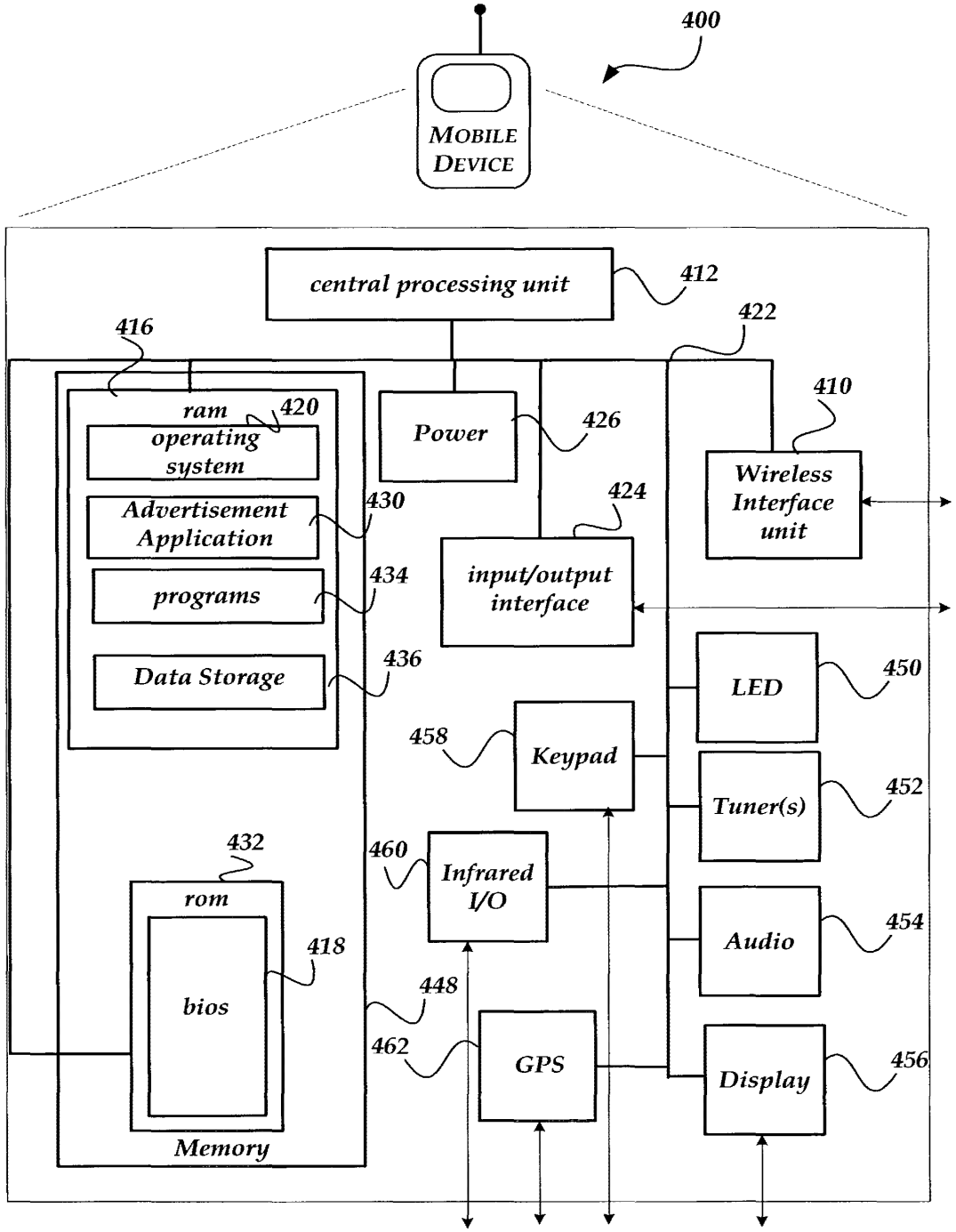

400
MOBILE DEVICE
central processing unit
412
422
416
ram
420
operating system
Advertisement Application
430
programs
434
Data Storage
436
Power
426
424
input/output interface
410
Wireless Interface unit
LED
450
458
Keypad
Tuner(s)
452
460
Infrared I/O
Audio
454
432
rom
418
bios
448
462
GPS
Display
456
Memory

Fig.4

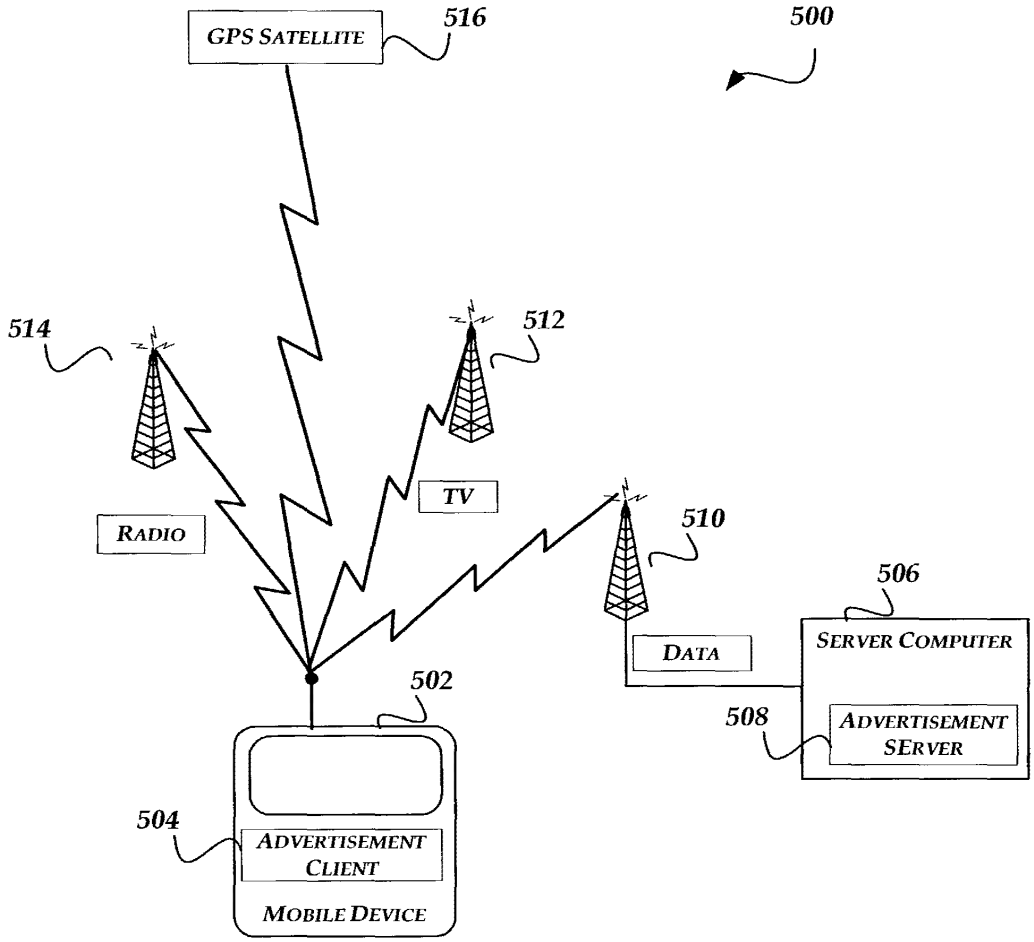

GPS SATELLITE
516
500
514
512
TV
RADIO
510
506
SERVER COMPUTER
DATA
502
508
ADVERTISEMENT SERVER
504
ADVERTISEMENT CLIENT
MOBILE DEVICE

Fig.5

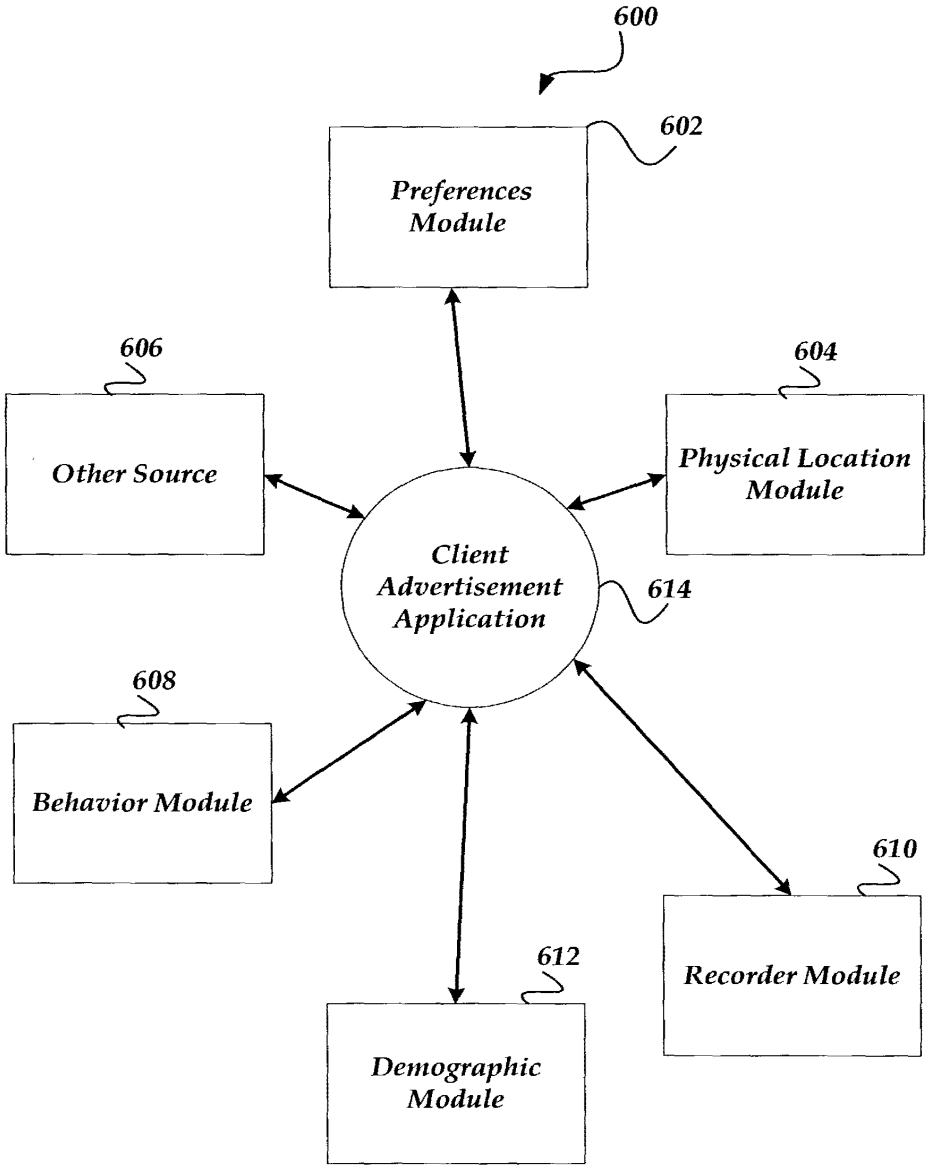

600
602
Preferences Module
606
Other Source
604
Physical Location Module
Client Advertisement Application
614
608
Behavior Module
610
Recorder Module
612
Demographic Module

Fig.6

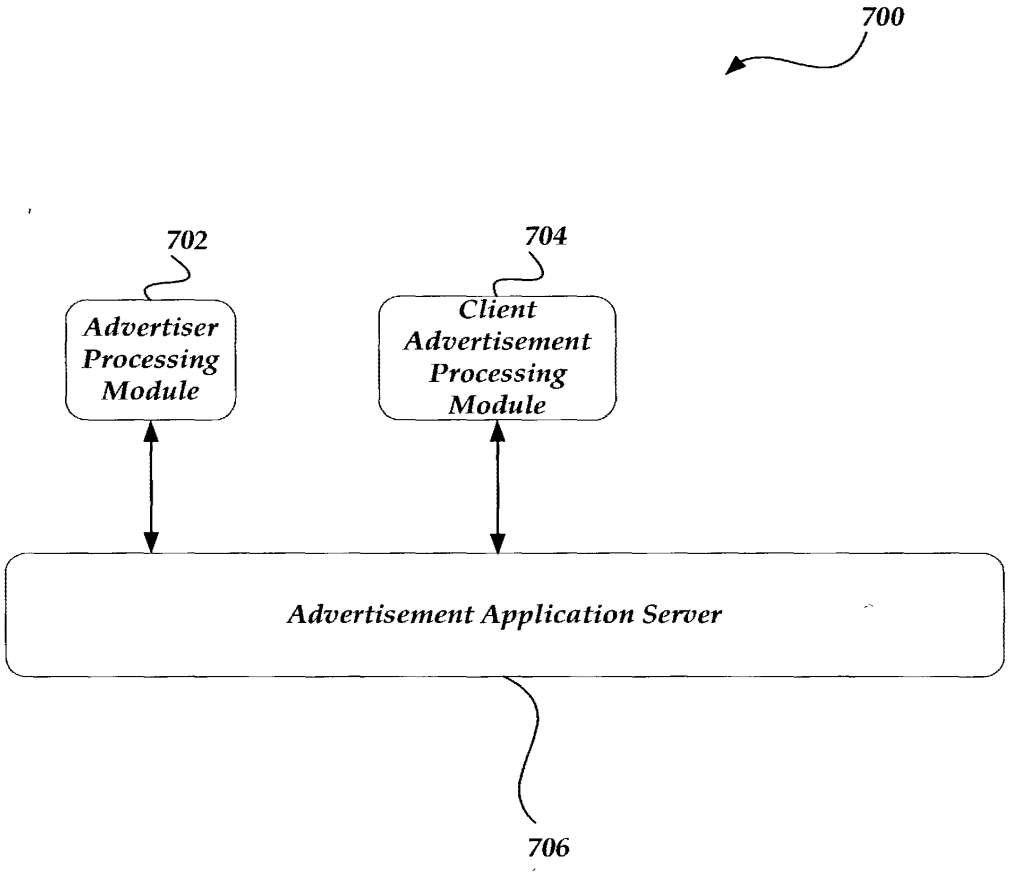

700
702
704
Advertiser Processing Module
Client Advertisement Processing Module
Advertisement Application Server
706

Fig. 7

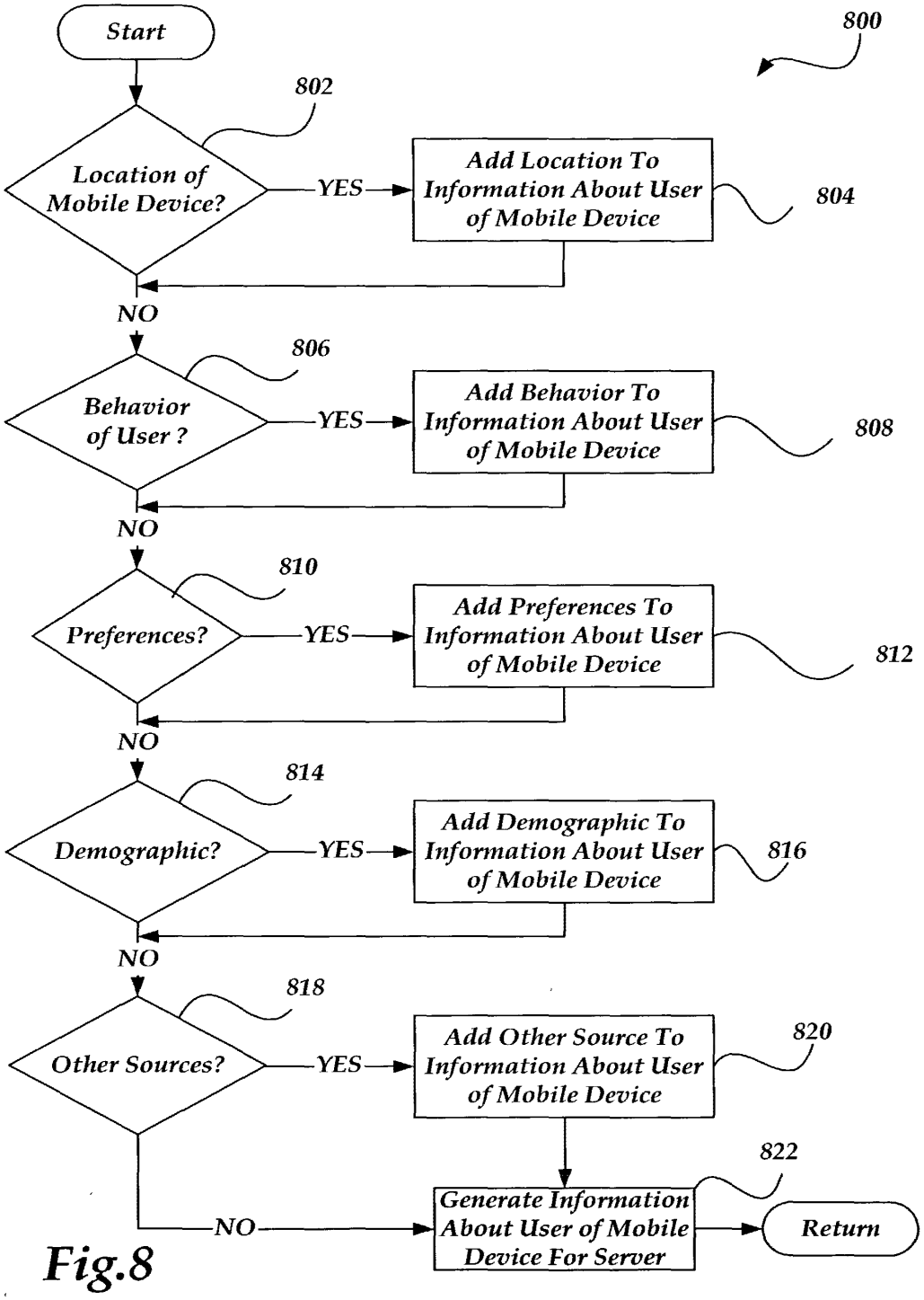

Start
800
802
Location of Mobile Device?
YES
Add Location To Information About User of Mobile Device
804
NO
806
Behavior of User ?
YES
Add Behavior To Information About User of Mobile Device
808
NO
810
Preferences?
YES
Add Preferences To Information About User of Mobile Device
812
NO
814
Demographic?
YES
Add Demographic To Information About User of Mobile Device
816
NO
818
Other Sources?
YES
Add Other Source To Information About User of Mobile Device
820
822
NO
Generate Information About User of Mobile Device For Server
Return

Fig.8

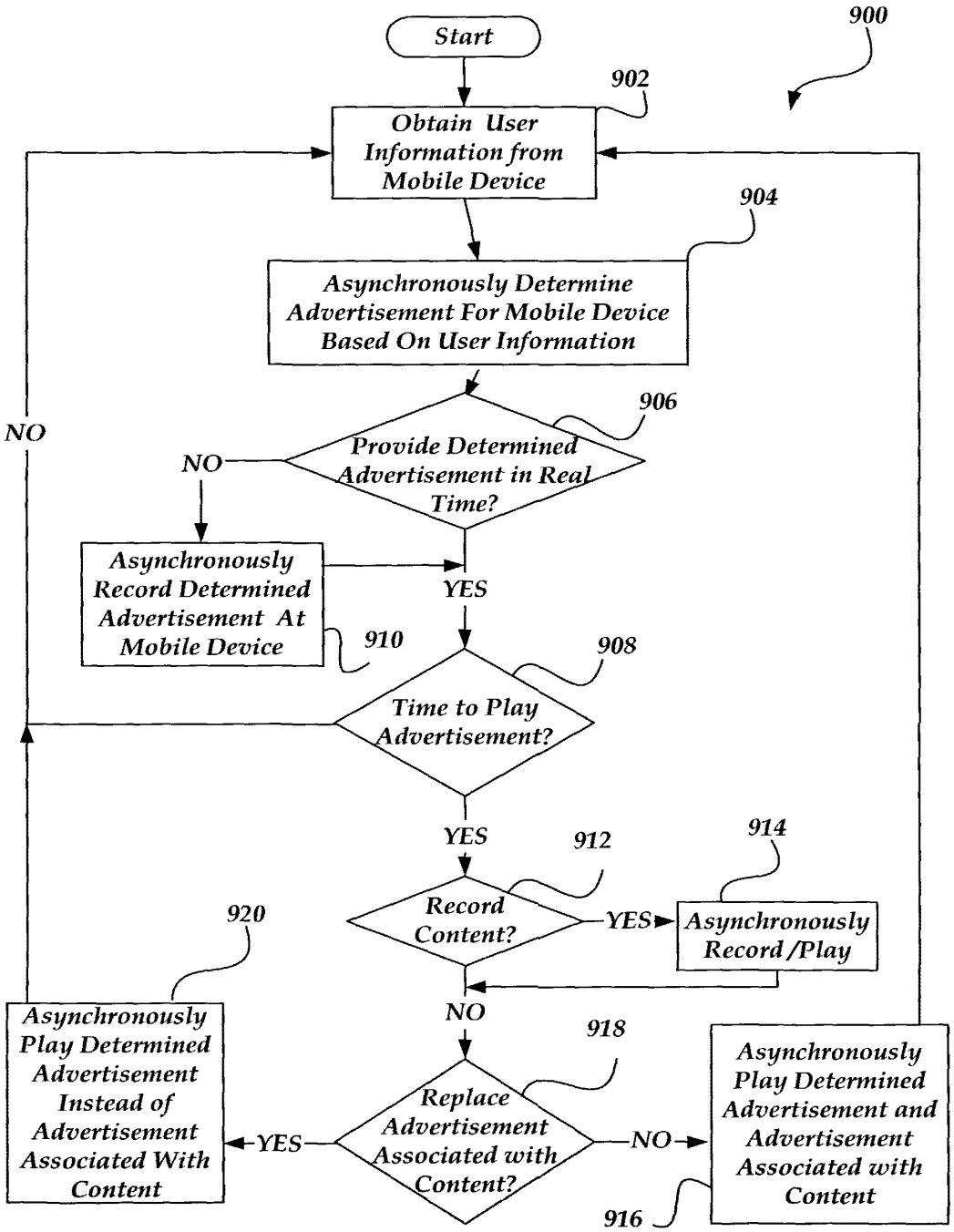

900
Start
902
Obtain User Information from Mobile Device
904
Asynchronously Determine Advertisement For Mobile Device Based On User Information
906
Provide Determined Advertisement in Real Time?
NO
NO
YES
Asynchronously Record Determined Advertisement At Mobile Device
910
908
Time to Play Advertisement?
YES
912
914
Record Content?
YES
Asynchronously Record /Play
920
NO
Asynchronously Play Determined Advertisement Instead of Advertisement Associated With Content
918
Replace Advertisement Associated with Content?
YES
NO
Asynchronously Play Determined Advertisement and Advertisement Associated with Content
916

Fig.9

Attorney's Docket No. 41051.P034 Patent

COMBINED DECLARATION AND POWER OF ATTORNEY FOR A PATENT APPLICATION

INVENTORSHIP IDENTIFICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT

SPECIFICATION IDENTIFICATION

the specification of which

__XX__ is attached hereto.
_____ was filed on _____ as
United States Application _____ Not yet assigned
or PCT International Application Number _____
and was amended on _____.
(if applicable)

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

[redacted]

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

60/290,592	05/11/01
(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

[redacted]

POWER OF ATTORNEY

I hereby appoint the Practitioners at Customer No. 000025943 as my patent attorney(s)/agent(s); with full power of substitution and revocation, to prosecute this application identified above, and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Send correspondence to:	**Direct telephone calls to:** *(Name and telephone number)*
COLUMBIA IP LAW GROUP, PC 10260 SW Greenburg Road, Suite 820 Portland, Oregon 97223	Aloysius T.C. AuYeung 503-595-2800

[redacted]

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: G. Eric Engstrom

Inventor's Signature: [signature] **Date:** 5/8/02

Residence: Kirkland, Washington (City, State) **Citizenship:** (Country)

Post Office Address: 12415 Holmes Pt Dr, NE
Kirkland, Washington 98033

Full Name of Joint/Second Inventor:

Inventor's Signature: **Date:**

Residence: (City, State) **Citizenship:** (Country)

Post Office Address:

Full Name of Joint/Third Inventor:

Inventor's Signature: **Date:**

Residence: (City, State) **Citizenship:** (Country)

Post Office Address:

[redacted]

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

[redacted]

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

[redacted]

05-13-02 10143342.051002

JC682 U.S. PTO 05/10/02

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. 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.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	41051.P034
First Inventor	G. Eric Engstrom
Title	METHOD AND SYSTEM FOR INSERTING ADVERTISEMENTS INTO BROADCAST CONTENT
Express Mail Label No.	EV097685371US

JC978 U.S. PTO 10/143342 05/10/02

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. [✔] Fee Transmittal Form (e g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. [ ] Applicant claims small entity status. See 37 CFR 1.27
3. [✔] Specification [*Total Pages* 26] *(preferred arrangement set forth below)*
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings (*if filed*)
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. [✔] Drawing(s) *(35 U S C. 113)* [*Total Sheets* 9]
5. Oath or Declaration [*Total Pages* 6]
   a. [✔] Newly executed (original or copy)
   b. [ ] Copy from a prior application (37 CFR 1.63 (d)) *(for continuation/divisional with Box 18 completed)*
      i. [ ] DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. [ ] Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. [ ] CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] paper
   c. [ ] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [✔] Assignment Papers (cover sheet & document(s))
10. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [✔] Power of Attorney
11. [ ] English Translation Document (*if applicable*)
12. [ ] Information Disclosure Statement (IDS)/PTO-1449 [ ] Copies of IDS Citations
13. [ ] Preliminary Amendment
14. [✔] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. [ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. [ ] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. [ ] Other: .....

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

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No _____/_____

Prior application information Examiner _____ *Group Art Unit* _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[✔] *Customer Number or Bar Code Label* 000025943 *(Insert Customer No. or Attach bar code label here)* or [ ] *Correspondence address below*

Name					
Address					
City		*State*		*Zip Code*	
Country		*Telephone*		*Fax*	

Name (Print/Type)	Aloysius T.C. AuYeung	*Registration No. (Attorney/Agent)*	35,432
Signature		*Date*	05/10/2002

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[redacted]

PTO/SB/17 (10-01)
Approved for use through 10/31/2002 OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	($)864.00

Complete if Known	
Application Number	Not yet assigned
Filing Date	May 10, 2002
First Named Inventor	G. Eric Engstrom
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	41051.P034

METHOD OF PAYMENT

1. ☑ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number: 501569

Deposit Account Name: Columbia IP Law Group, PC

☑ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

2. ☑ **Payment Enclosed:**

☑ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	760	214	80	Provisional filing fee	

SUBTOTAL (1) ($) 740.00

2. EXTRA CLAIM FEES

		Extra Claims		Fee from below		Fee Paid
Total Claims	20	-20**=	0	X 18.00	=	0.00
Independent Claims	4	-3**=	1	X 84.00	=	84.00
Multiple Dependent					=	0.00

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in Excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 84.00

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

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 40.00

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Aloysius T.C. AuYeung	Registration No (Attorney/Agent)	35,432	Telephone	503-595-2800
Signature				Date	May 10, 2002

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[redacted]

PATENT APPLICATION SERIAL NO. _____

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

05/15/2002 MBIZUNES 00000046 10143342

01 FC:101	740.00 OP
02 FC:102	84.00 OP

PTO-1556
(5/87)

*U.S. Government Printing Office: 2001 — 481-697/59173

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2001

Application or Docket Number: 41051.P034

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	20	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	20 minus 20=	* 0
INDEPENDENT CLAIMS	4 minus 3 =	* 1
MULTIPLE DEPENDENT CLAIM PRESENT		☐

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

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	370.00	OR	BASIC FEE	740.00
X$ 9=		OR	X$18=	—
X42=		OR	X84=	84
+140=		OR	+280=	—
TOTAL		OR	TOTAL	824

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

CLAIMS ONLY

SERIAL NO.	FILING DATE
10143342	
APPLICANT(S)	

CLAIMS

	AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT	
	IND.	DEP.	IND.	DEP.	IND.	DEP.
1	1					
2		1				
3		1				
4		1				
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8		1				
9		1				
10	1					
11		1				
12		1				
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TOTAL IND.	4					
TOTAL DEP.	16					
TOTAL CLAIMS	20					

	*		*		*	
	IND.	DEP.	IND.	DEP.	IND.	DEP.
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99						
100						
TOTAL IND.						
TOTAL DEP.						
TOTAL CLAIMS						

*MAY BE USED FOR ADDITIONAL CLAIMS OR ADMENDMENTS

FORM PTO-2022 (1-96)

U.S.DEPARTMENT OF COMMERCE
Patent and Trademark Office

*U.S. Government Printing Office: 1998 - 433-31